

NIGERIA AT A CROSSROADS: ELECTIONS, LEGITIMACY AND A WAY FORWARD

HEARING BEFORE THE SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH OF THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED TENTH CONGRESS

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THURSDAY, JUNE 7, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:42 a.m., in room 2172, Rayburn House Office Building, Hon. Donald M. Payne (chairman of the subcommittee) presiding.

Mr. PAYNE. Good morning. The committee will come to order. The ranking member is on his way. He is at a press conference and will be arriving shortly. However, we will begin at this time, and he will join us when he arrives.

Thank you all for joining us for this very important hearing regarding Nigeria's recent elections. Since Nigeria achieved independence in 1960, there has been successive conflict and military rule as the country struggled to establish a democratic government. Since the death of General Sani Abacha in 1998, Nigerians have made enormous progress in transitioning to civilian rule.

Prior to this year's election, there have been two Presidential elections in Nigeria, as all of you here know. They were not conducted perfectly. There were well-founded allegations of fraud and other irregularities. However, compared to Nigeria's recent past, the conduct of those elections demonstrated a commitment to engage in legitimate, democratic processes.

The conduct of this year's elections, however, was extremely troubling. Though I am heartened by the fact that these elections mark the first peaceful transfer of power between civilian governments in Nigeria's history, allegations of vote rigging, fraud, and ballot stuffing made by international and domestic observers are cause for serious concern.

The opposition is calling the Presidential elections the worst since independence from Britain in 1960. International observers question the election's overall credibility.

NDI says the process has "failed the Nigerian people." EU observers deemed the whole process as "not credible" and issued a report which is the most disparaging it has ever issued anywhere in the world.

This year's elections were very disappointing. Far from improving on the 1999 and 2003 elections, the conduct of the 2007 election was worse. Charges of corruption, vote buying, vote rigging, lack of transparency, and other voting irregularities abound. There were instances of politically motivated killings in the run-up to the elec-

tions. However, we have also observed the positive trends in Nigeria related to democratic institutions over the last year or so, particularly the strengthening of the national legislature.

The House and Senate rejected attempts to amend the Constitution for a third Presidential term, and the courts showed independence in dealing with the disputes over Vice President Atiku's eligibility to be a candidate.

So Nigeria has shown improvements in its governance in the legislative area. However, once again, these elections have left a stain on that progress, even though this progress is slow, it is in the right direction.

Nigeria has played, and continues to play, a critical role in the region and subregion and it is an important partner to the United States.

It has the second-largest economy in Africa and is the continent's largest producer of oil. The country generates over \$47 billion a year in oil and gas revenues. It is the third-largest oil supplier to the United States and the largest beneficiary of U.S. investment on the continent.

Through the Economic Community of West African States and the African Union, Nigeria has provided peacekeeping troops for missions that western governments are unwilling to do. Nigeria sent troops to Sierra Leone while the Revolutionary United Front was still wreaking havoc in that country, and they deployed to Liberia during the last days of the Charles Taylor regime. If Nigeria had not sent troops to those countries, it is doubtful that those conflicts there would have ended when they did. They also sent a strong message to Sao Tome and Principe to tell the troops there to stay in the barracks and, therefore, avoided a coup d'etat.

According to USAID, 70 percent of Nigerians live on less than \$1.00 a day, and the average life expectancy is only 47 years. USAID is the largest bilateral donor in Nigeria, and the Bush administration has requested over \$533 million in assistance to the country for Fiscal Year 2008.

The Niger Delta region accounts for over 75 percent of the country's oil production since the 1970's, which is plagued by a volatile political situation wrought with environmental degradation and human rights abuses. I would hope that the question of the Niger Delta can be resolved because I think that would go a long way in resolving the problems of Nigeria in general.

Clearly, Nigeria is a nation which we simply cannot ignore, especially at this critical juncture in our time. It has all the potential in the world to be an even stronger nation, with even stronger ties to the United States. However, this will not happen if it backslides into despotism, dictatorship and rigged elections, as we have just seen.

All eyes remain on Nigeria as the debate regarding the legitimacy of its recent elections continues. I encourage strong, effective statements by our Government regarding the need for court challenges to move forward expeditiously and the need for election reform.

In the coming weeks, I plan to introduce legislation related to election reform in Nigeria, which will provide economic incentives and incorporate conditionalities on nonhumanitarian assistance.

I would like to work with the newly-elected President, Yar'Adua, to encourage election reform. This is the hope of the people of Nigeria, who are looking for a democratic government, and we must support the people and encourage the international community to do the same.

Mr. PAYNE. We are honored to have with us today as the administration's witness, Dr. Jendayi Frazer, Assistant Secretary of State for the State Department's Bureau of African Affairs, on our first panel.

On our second panel, we are privileged to have Dr. Wole Soyinka, who is, as you know, a renowned scholar and 1986 Nobel Prize Laureate in Literature. We thank him for his strong interest and leadership on issues related to Africa and his ground-breaking scholarship.

Joining him on the panel is Mr. Kenneth Wollack, who is president of the National Democratic Institute. NDI led a high-level delegation to observe the elections in April, which was headed by former Secretary of State Madeleine Albright.

Last, but not least, we have Lorne Craner, who is president of the International Republican Institute. His organization also led a delegation to observe Nigerian elections.

Since Mr. Smith is not here, I will turn to our first witness, Dr. Jendayi Frazer. Excuse me. We have with us the vice chair of the Africa Subcommittee, and we would ask her if she would like to make an opening statement.

[The prepared statement of Mr. Payne follows:]

PREPARED STATEMENT OF THE HONORABLE DONALD M. PAYNE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN, SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH

Good morning. Thank you all for joining us for this very important hearing regarding Nigeria's recent elections.

Since Nigeria achieved independence in 1960, there has been successive conflict and military rule as the country struggled to establish a democratic government. Since the death of General Sani Abacha in 1998, Nigerians have made enormous progress in transitioning to civilian rule.

Prior to this year there have been two Presidential elections in Nigeria. They were not conducted perfectly. There were allegations—well founded—of fraud and other irregularities. However, compared to Nigeria's recent past, the conduct of those elections demonstrated a commitment to engage in a legitimate democratic process.

The conduct of this year's elections, however, was extremely troubling. Though I am heartened by the fact that these elections mark the first peaceful transfer of power between civilian governments in Nigeria's history, allegations of vote rigging, fraud and ballot stuffing made by international and domestic observers is cause for serious concern.

The opposition is calling the Presidential elections the worst since independence from Britain in 1960. International observers question the election's overall credibility.

NDI says the process has "failed the Nigerian people." EU observers deemed the whole process as "not credible" and issued a report which is the most disparaging it has ever issued anywhere in the world.

This year's elections were very disappointing. Far from improving on the 1999 and 2003 elections, the conduct of the 2007 election was worse. Charges of corruption, vote buying, vote rigging, lack of transparency and other voting irregularities abound. There were instances of politically motivated killings in the run-up to the elections.

However, we have also observed positive trends in Nigeria related to democratic institutions over the last year or so, particularly the strengthening of the national legislature. The House and Senate rejected attempts to amend the constitution for a third presidential term, and the courts showed independence in dealing with disputes over Vice President Atiku's eligibility as a candidate.

Nigeria has played and continues to play a crucial role in the region and sub-region, and is an important partner to the United States.

It has the second largest economy in Africa, and is the continent's largest producer of oil. The country generates over \$47 billion a year in oil and gas revenue. It is the 3rd largest oil supplier to the United States, and the largest beneficiary of U.S. investment on the continent.

Through the Economic Community of West African States and the African Union, Nigeria has provided peace keeping troops for missions that western governments have not. Nigeria troops went to Sierra Leone while the Revolutionary United Front was still wreaking havoc in that country. And they deployed to Liberia during the last days of the Charles Taylor regime.

If Nigeria had not sent troops to those countries it is doubtful that the conflicts there would have ended when they did.

According to USAID, 70% of Nigerians live on less than \$1 per day, and the average life expectancy is only 47 years. USAID is the largest bilateral donor in Nigeria, and the Bush Administration has requested over \$533 million in assistance to the country for FY2008.

The Niger delta region accounts for over 75% of the country's oil production since the 1970s which is plagued by a volatile political situation wrought with environmental degradation and human rights abuses.

Nigeria has Africa's second largest population of HIV/AIDS infected people.

Clearly Nigeria is a nation which we simply cannot ignore, especially at this critical juncture in time. It has all the potential in the world to be an even stronger nation with even closer ties to the U.S. However that will not happen if it backslides into despotism or dictatorship.

All eyes remain on Nigeria as the debate regarding the legitimacy of its recent elections continues. And I encourage strong, effective, statements by our government regarding the need for court challenges to move forward expeditiously and the need for electoral reform.

In the coming weeks, I plan to introduce legislation relating to election reform in Nigeria which will provide economic incentives and incorporate conditionalities on non-humanitarian aid.

I would like to work with newly elected president Yar-Adua to encourage electoral reform. The hopes of the people of Nigeria for a democratic government must be supported by the international community.

We are honored to have with us today as the administration's witness Dr. Jendayi Frazer, Assistant Secretary of State for the State Department's Bureau of Africa Affairs.

On our second panel we are privileged to have Dr. Wole Soyinka. He is a world-renowned scholar, and the 1986 Nobel Prize Laureate in Literature. We thank him for his strong interest, leadership on issues related to Africa and his groundbreaking scholarship.

Joining him on that panel is Mr. Kenneth Wollack who is president of the National Democratic Institute (NDI). NDI led a high level delegation to observe the elections in April, which was headed by former Secretary of State Madeleine Albright.

Last but not least we have Lorne Crane who is president of the International Republican Institute (IRI). His organization also led a delegation to observe Nigeria's elections.

With that, I turn to Ranking Member Chris Smith for opening remarks.

Ms. WATSON. Thank you so much, Mr. Chairman, and I want to greet all of the Nigerians that are here. I have had a long association with your country, and the chair, myself, and some other members of the subcommittee had looked forward to going during the time of your elections, but we were unable to go because of pressing business here in the Capitol.

As a result of not being there and looking at the outcome of the election, I have some concerns about the process. I do not think we will ever know the true will of the Nigerian people, but what we can say is that the outcome of the election has deepened, rather than mended, the divisions in Nigerian society.

Nigeria truly should be a model for African development, and it boasts a relatively well-educated workforce and an entrepreneurial

culture, but I fear that the controversy surrounding this election will deepen the divisions in Nigerian society.

Nigerians will have to find their own way forward in this crisis, and I look forward to the bill that our chair is submitting, and I hope it will have some impact.

But I would suggest that, as a first step, the new President needs to acknowledge the questions that many Nigerians have about the legitimacy of his presidency. He needs to take extraordinary measures to show that he will represent all Nigerians and will bring the opposition into decision-making, and because Nigeria is the largest nation on the continent, and because our country looks forward to a very close association with various countries, particularly on the west coast, I really see, in this millennium, the focusing moving from the Middle East to Nigeria.

You have many of the natural resources that are desperately needed. I know the Agone Delta region yielded quite a lot of the crude oil that the world needs, and I do know the problems that the farmers have had in that area.

So we look forward to a real strong relationship, particularly with Nigeria, for the future, and so we need to believe that the leadership in Nigeria represents all of the people, and the wounds and the divisions will be healed, and the people of Nigeria will benefit.

So I look forward to hearing from Ambassador Frazer, who, I understand, just returned from Nigeria. Welcome. Thank you, Mr. Chairman.

Mr. PAYNE. Thank you very much, Ms. Ambassador.

Now, we will turn to our first witness. We will hear from Dr. Jendayi Frazer, Assistant Secretary of State for the Department of State's Bureau of African Affairs.

Prior to her current position, Dr. Frazer served as the U.S. Ambassador to South Africa. Prior to joining the Bush administration, she taught public policy at Harvard University's John F. Kennedy School of Government.

She received her Ph.D. from Stanford, and today she joins us after, as it was indicated, recently returning from a meeting with President Elect Yar'Adua. So we welcome you, Dr. Frazer.

STATEMENT OF THE HONORABLE JENDAYI FRAZER, ASSISTANT SECRETARY, BUREAU OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE

Ms. FRAZER. Thank you very much, Mr. Chairman and members of the subcommittee. I am honored to testify before you today on one of Africa's most pivotal countries and one of our most important strategic partners.

This hearing is also timely since Nigeria is at a critical juncture in its history. The country has just inaugurated President Yar'Adua in the first-ever transition between civilian leaders in the country's history. However, the elections of April 14th and 21st were seriously flawed and a great disappointment to both Nigerians and to the United States.

As you will hear today, there were credible reports of malfeasance, such as vote rigging, ballot box stuffing, and nontransparent accounting. The scope and scale of reported problems with the poll-

ing have exposed serious weaknesses in the electoral system and now pose risks to the country's fragile democracy.

As a result, addressing these problems quickly must be an immediate priority for the Yar'Adua administration. This will include allowing the legal challenges to proceed unimpeded and their results to be respected. It will also mean moving precipitously to fix the broken electoral system, including making the electoral commission fully independent.

Our policy is to strongly encourage the new government to tackle these problems in the early days of the administration. Indeed, in my meeting with President Yar'Adua on May 29th, the first issue raised was our disappointment with the polls and the steps necessary to restore credibility to Nigeria's democratic institutions.

Some critics will, no doubt, urge us to isolate the country. But the stakes are too great to walk away from Nigeria, and, in our judgment, the best way to nurture Nigeria's fragile democracy is for the United States to engage with them on the very issues at risk: Political reform, regional security, and economic opportunity.

Nigeria remains vitally important to United States security, democracy, trade, and energy policy needs and objectives. Its government remains one of our most important, dependable allies on the continent on a wide array of diplomatic initiatives, such as Darfur, peacekeeping, counterterrorism, and HIV/AIDS. As an up-and-coming, emerging market of 140 million people, Nigeria welcomes United States investment and technology, and is one of the world's largest importers of United States wheat. Nigeria accounts for 12 percent of United States oil imports.

With the second-largest GDP in Africa and a population equal to that of Russia, Nigeria nonetheless offers a study in stark contrasts. After 15 years of military rule, the country has made remarkable progress over the past 8 years, but there is still much left to do. Despite a tremendous pool of talent and natural resources, laudable macroeconomic performance, and large infusions of donor funding, the majority of Nigerians still live in poverty.

Development is impeded by entrenched poverty, pervasive corruption, and challenges of governance. Decades of unaccountable rule, eroded health and education infrastructure, failed to address the HIV/AIDS threat, suppressed democratic institutions, and stifled job creation. New, offshore, deep-water oil production has compensated for the almost one-third of onshore and shallow-water capacity that is not being produced because of instability. However, only one of Nigeria's four refineries is functional, which forces Nigeria to import most of its refined crude.

In terms of political rights and civil liberties, Nigeria had regained important ground since 1999. Some of its governing institutions have also begun to develop. Most importantly, as you said, the judiciary and legislative branches recently have demonstrated an impressive surge in independence. Yet the April 2007 elections are a sharp reminder of the many deep and persistent challenges to effective government in Nigeria. They also underscore the importance of continued engagement by the United States and other Nigerian partners to promote reform.

Mr. Chairman, before I address a number of challenges with greater specificity, it is important that we recognize that our influ-

ence, although very real, is not unlimited in Nigeria. Nigerian democracy will be advanced by Nigerians principally, although we clearly have an important role.

Given Nigeria's size—one of every five Africans is a Nigerian—we must remember that Nigeria's total official development assistance flows, from all sources, are less than 1 percent of its gross domestic product. The per capita value of non-HIV/AIDS-related U.S. assistance is merely 26 cents.

Our greatest contributions will lie in applying diplomatic pressure for reform, sharing technical expertise, and catalyzing private sector support, all on behalf of job-creating investments and profound governance reforms.

United States policy goals in Nigeria are to strengthen social stability through pluralism, democracy, and good governance; to promote more market-led economic growth as the best means to reduce poverty in a sustainable way; and to enhance Nigeria's ability to act as a responsible regional and bilateral partner.

Given these circumstances, we already have conveyed three mutually reinforcing messages to the new government, the opposition, and civil society in a post-election strategy.

First, on democracy, the United States has an important voice to lend to democracy advocates and can offer an array of technical assistance when matched by political commitment of the host government. President Yar'Adua and the opposition are now fully aware of our profound disappointment over the deeply flawed elections of April 14th and 21st. We expect the government to facilitate the work of electoral tribunals in addressing disputes promptly and credibly.

At the same time, we recognize that the courts will not be able to fix all of the shortcomings of the elections. Nigerian society and political leaders need to work together to map out a road back toward credible and effective democratic processes. We stand ready to provide technical assistance to a plan that has broad support and strong political backing.

At a minimum, the Government of Nigeria must commit to deep reforms in the Independent National Electoral Commission. This would include financial and operational independence for a new electoral commission, with new leadership. Subsequent public remarks by Nigeria's new President indicate that he understands the need to initiate immediate electoral reform that ensures credible future polls immune from government or political party interference.

President Yar'Adua also agrees with our expectation of dialogue between the government and opposition and that all parties must refrain from violence and harsh, counterproductive rhetoric. In these regards, we stand ready to help.

The second immediate priority is stability in the Niger River Delta. We will continue to work directly and multilaterally with the Nigerian Federal and state governments in addressing community development, coastal security, as well as the prevalence of arms and crime, in order to establish peace, prosperity, and energy security in the region.

Since the end of the elections, militants have sent a clear political message to the Nigerian Government by renewing multiple at-

tacks on oil facilities, kidnapping dozens of foreign workers, and curbing between one-fourth and one-third of energy production.

Not all of the delta's problems are tied to humanitarian concerns. Many militants are criminally motivated in their kidnappings. Nigeria's security services are outgunned, outperformed, undermanned, and under funded, and some of its leadership, co-opted. Nevertheless, for the most part, despite its poor human rights track record, the military has astutely avoided confrontation so far. The long-term answers in the delta are economic and developmental, not military.

In order to address community development at the local level, the Government of Nigeria had worked with us in developing a reasonably good draft plan for developing streamlined administration, increasing the financial scale of assistance projects, incorporating the help of the private sector, and developing transparent accounting and communications. It now must be fully funded, implemented, and broadened into a regional strategy.

In collaboration with the Federal Nigerian Government and the international community, the United States is willing to fund and provide training to combat money laundering, strengthen customs enforcement and border security, automate police records, and offer advisers for state budget transparency. We are providing state-of-the-art security equipment for all of Nigeria's airports and are studying how we can implement and offer to expand our community-policing projects from northern Nigeria into the delta.

We have offered Nigerian officials a network of sensors, radar, and communications gear to enhance their control of territorial waters. We wish to provide train/equip programs for a Nigerian riverine unit that can address fisheries violations, oil theft, piracy, smuggling, narcotics trafficking, and environmental degradation. We have further offered to help Nigeria institute and manage stockpile security and destroy collected/surplus weapons, and to assist in tracing the origin of weapons seized from criminals and insurgents.

We are also urging Nigerian authorities to build partnerships with the United States private sector in providing opportunities for profitable agricultural livelihoods, technology transfer, constructive use of currently "flared" natural gas, creating refining capacity, developing biofuels for domestic use, building greater public access to telecommunications networks and health care, and curbing oil theft. The West Africa Gas Pipeline, a project consortium led by Chevron, will offer Nigeria another source of revenue. It is expected to be completed in 2008 and will provide the region with a new pool of energy.

We hope that the Yar'Adua administration will respond favorably to all of these initiatives.

Thirdly, and most importantly, political and economic reform. The Government of Nigeria must commit to a deep and immediate reform agenda, both to rebuild legitimacy in the wake of the fundamentally flawed April elections and to assure Nigerians that their voices will be respected well in advance of the next national election. Corruption undermines democracy and prosperity. Good governance and accountability build trust in a democratic system and elected officials.

Key reforms should be designed to expand citizen oversight of government and strengthen checks and balances. We welcome reforms such as the Fiscal Responsibility Bill that recently passed both the Senate and the House of Representatives, locking into law the prudent macroeconomic policies carried out by the outgoing administration.

We have proposed that President Yar'Adua's government, first, take further steps to combat corruption, e.g., by speedy signing of legislation on public procurement, fiscal transparency, and freedom of information; secondly, to adopt measures to enshrine transparency in national, state, and local government revenues and expenditures; third, to establish more effective auditing, legislative, and judicial oversight of government activities; and, fourth, to institutionalize and implement agreements on bilateral trade, investment, and standards issues to facilitate mutual economic growth.

Mr. Chairman, all of these arguments point to the need for robust, bilateral engagement, despite the enormous challenges to be faced. We are encouraged by President Yar'Adua's public and private commitments to these types of reform but recognize that he is operating within a complex political environment. We will focus closely on the leadership of the ruling party, the legislature, and other Nigerian institutions and will make clear our advocacy of reform.

Our goal is to help Nigeria establish itself firmly as a fully democratic, free-market reformer. The administration is pleased to have this opportunity to highlight Nigeria's importance as a strategic partner of the United States, and I look forward to answering your questions. Thank you very much.

[The prepared statement of Ms. Frazer follows:]

PREPARED STATEMENT OF THE HONORABLE JENDAYI FRAZER, ASSISTANT SECRETARY,
BUREAU OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. Chairman and members of the subcommittee, I am honored to testify before you today on one of Africa's most pivotal countries and one of our most important strategic partners.

This hearing is also timely since Nigeria is at a crucial juncture in its history. The country has just inaugurated President Umaru Musa Yar'Adua in the first ever transition between civilian leaders in the country's history. However, the elections of April 14 and 21 were seriously flawed and a great disappointment to both Nigerians and to the United States. As you will hear today, there were credible reports of malfeasance, such as vote rigging, ballot box stuffing, and non-transparent counting. The scope and scale of reported problems with the polling have exposed serious weaknesses in the electoral system and now pose risks to the country's fragile democracy. As a result, addressing these problems quickly must be an immediate priority for the Yar'Adua administration. This will include allowing the legal challenges to proceed unimpeded and their results to be respected. It will also mean moving precipitously to fix the broken electoral system, including making the electoral commission fully independent.

Our policy is to strongly encourage the new government to tackle these problems in the early days of the administration. Indeed, in my meeting with President Yar'Adua on May 29, the first issue raised was our disappointment with the polls and the steps necessary to restore credibility to Nigeria's democratic institutions.

Some critics will no doubt urge us to isolate the country. But the stakes are too great to walk away from Nigeria. And in our judgment, the best way to nurture Nigeria's fragile democracy is for the United States to engage with them on the very issues at risk: political reform, regional security, and economic opportunity.

Nigeria remains vitally important to U.S. security, democracy, trade, and energy policy needs and objectives. Its government remains one of our most dependable allies on the continent on a wide array of diplomatic initiatives from such as Darfur, peacekeeping, counter-terrorism, and HIV/AIDS. As an up and coming emerging

market of 140 million people, Nigeria welcomes U.S. investment and technology and is one of the world's largest importers of U.S. wheat. Nigeria accounts for twelve percent of U.S. oil imports and as of March, it passed Saudi Arabia and Venezuela to become the third largest exporter of crude oil to the United States.

With the second-largest GDP in Africa and a population equal to that of Russia, Nigeria nonetheless offers a study in stark contrasts. After fifteen years of military rule, the country has made remarkable progress over the past eight years. But there is still much left to do. Despite a tremendous pool of talent and natural resources, laudable macroeconomic performance, and large infusions of donor funding, the majority of Nigerians still live in poverty. Development is impeded by entrenched poverty, pervasive corruption, and ineffective governance. Decades of unaccountable rule eroded health and education infrastructure, failed to address the HIV/AIDS threat, suppressed democratic institutions, and stifled job creation. New offshore oil production has compensated for the almost one-third of onshore capacity that is not being produced because of instability; however, only one of Nigeria's four refineries is functional, which forces Nigeria to import most of its refined crude.

In terms of political rights and civil liberties, Nigeria has regained important ground since 1999. Some of its governing institutions have also begun to develop. Most importantly, the judiciary and legislative branches recently have demonstrated an impressive surge in independence. Yet the April 2007 elections are a sharp reminder of the many deep and persistent challenges to effective government in Nigeria. They also underscore the importance of continued engagement by the United States and other Nigerian partners to promote reform.

Mr. Chairman, before I address a number of challenges with greater specificity, it is important to that we recognize that our influence, although very real, is not unlimited in Nigeria. Nigerian democracy will be advanced by Nigerians principally, although we clearly have an important role. Given Nigeria's size—one of every five Africans is a Nigerian—we must remember that Nigeria's total official development assistance flows, from all sources, are less than one percent of its Gross Domestic Product. The per capita value of non-HIV/AIDS-related U.S. assistance is merely 26 cents. Our greatest contributions will lie in applying diplomatic pressure for reform, sharing technical expertise, and catalyzing private sector support all on behalf of job-creating investments and profound governance reforms. U.S. policy goals in Nigeria are to strengthen social stability through pluralism, democracy, and good governance; to promote more market-led economic growth as the best means to reduce poverty in a sustainable way; and to enhance Nigeria's ability to act as a responsible regional and bilateral trade partner. Given these circumstances, we already have conveyed three mutually reinforcing messages to the new government, the opposition, and civil society in a post-election strategy:

Democracy: The United States has an important voice to lend to democracy advocates, and can offer an array of technical assistance when matched by political commitment of the host government. President Yar'Adua and the opposition are now fully aware of our profound disappointment over the deeply flawed elections of April 14 and 21. We expect the government to facilitate the work of electoral tribunals in addressing disputes promptly and credibly. At the same time we recognize that the courts will not be able to fix all of the shortcomings of the elections. Nigerian society and political leaders need to work together to map out a road back toward credible and effective democratic processes; we stand ready to provide technical assistance to a plan that has broad support and strong political backing. At a minimum, the Government of Nigeria must commit to deep reforms in the Independent National Electoral Commission. This would include financial and operational independence for a new electoral commission, with new leadership. Subsequent public remarks by Nigeria's new president indicate that he understands the need to initiate immediate electoral reform that ensures credible future polls immune from government or political party interference. President Yar'Adua also agrees with our expectation of dialogue between the government and opposition, and that all parties must refrain from violence and harsh, counterproductive rhetoric. In these regards, we stand ready to help.

Stability in the Niger River Delta. We will continue to work directly and multilaterally with the Nigerian federal and state governments in addressing community development, coastal security, as well as the prevalence of arms and crime, in order to establish peace, prosperity, and energy security in the region. Since the end of the elections, militants have sent a clear political message to the Nigerian government by renewing multiple attacks on oil facilities, kidnapping dozens of foreign workers, and curbing between one-fourth and one-third of energy production. Not all of the Delta's problems are tied to humanitarian concerns. Many militants are criminally motivated in their kidnappings. Nigeria's security services are outgunned, outperformed, undermanned, under-funded, and some of its leadership

co-opted. Nevertheless, for the most part, despite its poor human rights track record, the military has astutely avoided confrontation—so far. The long-term answers in the Delta are economic and developmental, not military.

In order to address community development at the local level, the Government of Nigeria had worked with us in developing a reasonably good draft plan for developing streamlined administration, increasing the financial scale of assistance projects, incorporating the help of the private sector, and developing transparent accounting and communications. It now must be fully funded, implemented, and broadened into a regional strategy.

In collaboration with the federal Nigerian government and the international community, the United States is willing to fund and provide training to combat money laundering, strengthen customs enforcement and border security, automate police records, and offer advisors for state budget transparency. We are providing state-of-the-art security equipment for all of Nigeria's airports and are studying how we can implement an offer to expand our community-policing projects from northern Nigeria into the Delta. We have offered Nigerian officials a network of sensors, radar, and communications gear to enhance their control of territorial waters. We wish to provide train/equip programs for a Nigerian riverine unit that could address fisheries violations, oil theft, piracy, smuggling, narcotics trafficking, and environmental degradation. We have further offered to help Nigeria institute and manage stockpile security and destroy collected/surplus weapons, and to assist in tracing the origin of weapons seized from criminals and insurgents.

We are also urging Nigerian authorities to build partnerships with the U.S. private sector in providing opportunities for profitable agricultural livelihoods, technology transfer, constructive use of currently "flared" natural gas, creating refining capacity, developing biofuels for domestic use, building greater public access to telecommunications networks and health care, and curbing oil theft. The West Africa Gas Pipeline, a project consortium led by Chevron, will offer Nigeria another source of revenue. It is expected to be completed in 2008 and will provide the region with a new pool of energy.

We hope that the Yar'Adua Administration will respond favorably to all of these initiatives.

Political and Economic Reform. The Government of Nigeria must commit to a deep and immediate reform agenda, both to re-build legitimacy in the wake of the fundamentally flawed April elections and to assure Nigerians that their voices will be respected well in advance of the next national elections. Corruption undermines democracy and prosperity. Good governance and accountability build trust in the democratic system and elected officials. Key reforms should be designed to expand citizen oversight of government and strengthen checks and balances. We welcome reforms such as the Fiscal Responsibility Bill that recently passed both the Senate and House of Representatives, locking into law the prudent macroeconomic policies carried out by the outgoing administration. We have proposed that the Yar'Adua government:

1. Take further steps to combat corruption, e.g., speedy signing of legislation on public procurement, fiscal transparency, and Freedom of Information.
2. Adopt measures to enshrine transparency in national, state, and local government revenues and expenditures;
3. Establish more effective auditing, legislative, and judicial oversight of government activities; and
4. Institutionalize and implement agreements on bilateral trade, investment, and standards issues to facilitate mutual economic growth.

Mr. Chairman, all these arguments point to the need for robust bilateral engagement, despite the enormous challenges to be faced. We are encouraged by President Yar'Adua's public and private commitments to these types of reform, but recognize that he is operating within a complex political environment. We will focus closely on the leadership of the ruling party, the legislature, and other Nigerian institutions, and will make clear our advocacy of reform. Our goal is to help Nigeria establish itself firmly as a fully democratic, free-market reformer. The Administration is pleased to have this opportunity to highlight Nigeria's importance as a strategic partner of the United States, and to answer your questions. Thank you.

Mr. PAYNE. Thank you very much for that very comprehensive report/testimony, and we certainly look forward to working with you with the new administration.

The election of Zerbers, opposition parties, and international governments encourage former President Obasanjo to resolve election-related disputes through peaceful and constitutional means after the election and before the end of his government mandate. What measures, if any, is the new administration pursuing to ensure that there is accountability for any abuses committed during the elections?

Ms. FRAZER. I think the most important first step is to make sure that the electoral tribunals are allowed to do their work independently and that the results of the work are respected by the new government.

When I talked to President Yar'Adua, he emphasized the need for that work to be conducted quickly, and he pledged that he, indeed, would respect the results. He anticipated that some of the electoral results in certain states might be overturned.

Mr. PAYNE. There have been some people who have suggested, and I guess it is sort of late for that, that there ought to be an attempt to have some governing body for 2 years to govern the country and to have elections or reelections rather than wait for the full term. Do you think that anything like that is remotely feasible?

Ms. FRAZER. I think that that certainly is one of the proposals out there, and it is being proposed by individuals who I certainly respect. I think that there is a danger in an interim government, and that danger is the one that Nigeria has suffered from for most of its history, which is coup d'état or military intervention.

I think that it is important for the Nigerian election, which, as we said, was seriously flawed, to have the recourse or redress that is done constitutionally through the courts. So I think that that is probably where the administration will be focused.

The idea of some type of interim government probably is not constitutional. I would expect that there are some discussions taking place right now between the major Presidential candidates and the new President to try to figure out how, both through the courts, as well as through dialogue, working with the opposition, they can find a way to have an administration that is more reflective of all of basically the opposition groups. I think that this election will never—I think, as Congresswoman Watson said—be able to tell us the true will of the Nigerian people, unfortunately.

So an interim administration will not do that any better than trying to allow the courts to look at the data and actually go through the constitutional process of redress.

Mr. PAYNE. As you recall, during the past 2 years or so, I would say, President Obasanjo has had a strong move on anticorruption. The czar testified here, about 8 or 9 months ago, with an aggressive move to try to root out corruption in Nigeria, which, as you know, has been rampant for a long time. Has the new government mentioned anything about a continued move on anticorruption and whether the current czar, the current person, who is really doing an outstanding job, will be continued in that position? Have you had any discussion about that?

Ms. FRAZER. I did not discuss personnel for the new administration, so I do not know who they would select, but I certainly did urge continued work in transparency, accountability, and anticorruption. In the Nigerian Extractive Industries Initiative, for

example, we urged them to continue to adhere to those principals in that program.

President Yar'Adua focused primarily, in my conversation with him, on electoral reform and addressing the challenges in the Niger Delta. We also talked about Nigeria's continued engagement in regional conflicts and regional peacekeeping and mediation efforts, but not in any specific way. We talked, in general, about the need for transparency and to continue with the strong reforms of the outgoing administration.

Mr. PAYNE. Thank you. Congresswoman Watson?

Ms. WATSON. Under President Obasanjo, there were several reforms that were put in place that would look at corruption and so on, and I always think of Lagos as a place where you get dashed all over.

I remember going there one year, and we were 4 hours in the airport, and my staff was to arrange for the tickets, and they were gone the whole 4 hours. When they came back, we had to pay 600 naira a piece, or US\$600 changed into naira a piece, to be able to get out of there, and I thought, I will stay here before I do that, but they had gone ahead and paid it.

So I was very concerned, watching what President Obasanjo would do. Those reforms that were put in place; will they be continued under this administration? What are your thoughts on that?

Ms. FRAZER. I would expect that they would continue. The Economic and Financial Crimes Commission has continued to pursue convictions in terms of foreign assets. They are continuing to hold accountable the state-level and governor-level corruption. So I would expect that those commissions would continue.

The macroeconomic reforms have led to 7 percent annual growth and less than 10 percent inflation, so I think that, certainly at the macroeconomic level, there is no reason to change the strong reform agenda of President Obasanjo. I think that the next administration will have to make sure that those reforms actually result in alleviating poverty for the majority of people.

Ms. WATSON. I was not sure that I heard all, or understand all, of your answer when the chair asked about who is being put into place, but have the cabinet members been selected?

Ms. FRAZER. My understanding is that we were expecting an announcement today.

Ms. WATSON. I see. I would like you to follow up, Mr. Chair. I would like you to follow up and let us know who they are and how they are progressing along these lines. It is very, very important for travelers that come through Lagos. Now, I will not even go through Lagos when I am going to Kenya—

Ms. FRAZER. Yes.

Ms. WATSON [continuing]. Because I am afraid of the rip-offs that happen. I have not been there in years, intentionally, but I would like to return, and I was hoping that we could reinstitute a codel when we have time. I do not know when that will be. We are working against a deadline schedule here. But I think it is very important for Americans that, if we are going to continue our assistance, we have some assurances, and, of course, we can go through the Embassy, that we will not be ripped off at every step, and we need

to know who the cabinet members are and what the reforms are, a kind of an update.

I see the potential, as I said before, of Nigeria, being the lead country on the west coast, really making a difference on the continent. I see the association between our country and Nigeria even growing, but we want to be sure leadership is in the proper hands, and there is accountability.

So we are going to depend on the State Department to watch for us and relate to us, and the chair still, I am sure, will have, I hope, an evaluation component so we can gauge whether our support for the nation is really beneficial.

Ms. FRAZER. Yes.

Ms. WATSON. Thank you. Mr. Chairman?

Mr. PAYNE. Thank you very much. Ms. Jackson Lee?

Ms. JACKSON LEE. Thank you very much, Mr. Chairman, and I apologize for the delay, being detained on the floor of the House. It is an important hearing that we have today, and welcome, Ambassador Frazer.

I spent some of my earlier years studying at the University of Nigeria, Lagos, and the university in Ibadan. So there is a close kinship to this regal and wonderful nation, and I think it is important to note that the past democratic election era of President Obasanjo saw many strides. But I am always told by my grandparents that the status quo is not acceptable, that one must aspire for the stars.

Nigeria has a role, not only on the continent, but it has one internationally, and I believe there is no excuse, in the 21st century, and I am willing to be chastised on this point, that Nigeria cannot equal any of the world powers that we see today. That means that the boats of all of her people will be lifted.

That is my frustration, and it is my frustration with, obviously, the inquiry that we make today concerned about elections and also progress.

So I will pose these questions in the backdrop of believing that there are enough resources, combined with the considerable debt relief that Nigeria has received, maybe not enough. I remember engaging in that discussion more than a year or 2 ago, and I remember some steps, at least, that this nation made. We can always argue for more debt relief. We can also argue for the need for confronting the crisis in healthcare and HIV/AIDS, but there is no excuse for the lack of educational resources, the agricultural industry being stymied, and certainly the plight that we face with respect to oil.

Let me raise these questions because, of course, governance and democracy are truly a point. We understand that seven Presidential candidates have filed petitions challenging the election results, and I would like to know the status of those legal challenges and the position of the United States on those challenges, and do we believe that there is a sufficient independent judiciary that can address those questions?

Let me give the second one, if you can answer them both. I come from what is known as the energy capital of the world, Houston, Texas. There is quite a bit of interaction between Houston and Nigeria. But I know that there have been severe criticisms of the oil companies that are placed there because of the environmental de-

struction resulting from their operations, and, of course, we know the kinds of attacks that have been on their pipelines. We have had hostages.

But I am concerned about the extent of the destruction and what do you see the government is doing to not have make-do contracts but actually contracts that can impact the people building housing, creating jobs, so that the delta crisis does not continue as it has been continuing over the years? And I thank you.

Ms. FRAZER. Thank you very much, Congresswoman. You asked about the status of the challenges of the Presidential candidates. They have 60 days to file their petitions, or 30 days from the date of the election, to file their petitions. The petitions will be heard by the Court of Appeals for the Presidential election, and the National Assembly election will be heard by tribunals appointed by the Chief Justice of the Court of Appeals.

I do believe that the courts are sufficiently independent, as well as the legislature. The National Assembly is sufficiently independent. The evidence of that is the process that led up to this result, in which there was an attempt by President Obasanjo for a third term, and the national legislature said no, showing independence, and there was also the effort to keep Vice President Atiku off of the ballot, and the courts said that he would be put on the ballot.

So I think that both institutions have demonstrated independent from an administration.

I had said earlier that I had a chance to talk to President Yar'Adua, and he clearly stated that he was committed to making sure that those tribunals did not drag out, that they would come to their decisions quickly. He had an expectation that, very likely, in some races the results may be overturned by the courts. So I think that he is also prepared to allow them to be independent, but I think we need to be watchful.

We certainly need to continue with an open dialogue with the opposition to make sure that they feel that their cases are proceeding and doing so transparently. I think there is a problem with INEC. It has provided aggregate data on the votes, but we had lots of electoral monitors. You will hear from some of them, I think, in the second panel. They should be able to help to get the data to the tribunals as well so that they can make a fair judgment on specific races.

Ms. JACKSON LEE. The delta?

Ms. FRAZER. Yes. On the issue of the delta, you are quite right that the environment has been severely impacted negatively. Between 1976 and 2000, there were over 600 spills, releasing over 3 million barrels of oil into the environment. So there has been tremendous damage, but recently the damage has come more from pipeline sabotage than from oil spills from the companies themselves. Natural gas flaring is also creating some serious problems of air pollution and acid rain.

We have tried to establish a working relationship with some of the states in the delta, River State, in particular, and with some of the others, working with the state and local governments, as well as the private sector oil companies, to try to develop a strategy in which there is greater accountability and transparency, and,

most importantly, that we can find a way to work to create jobs and to have sustainable community-level development.

This is an area that I outlined in my testimony that is going to be a top priority for us with President Yar'Adua, and it is an area which he outlined as his second-highest priority in his inaugural address, with the electoral forum being the highest priority.

So we will engage early with this new administration in this region.

Ms. JACKSON LEE. Thank you, and I look forward to working with you.

Mr. PAYNE. Thank you, Ambassador Frazer, for your contribution, and we look forward to working with you.

Ms. FRAZER. Thank you very much.

Mr. PAYNE. We have a vote coming up shortly. However, I would ask the second panel if they would come, and I will, at least, read your background.

In our second panel today, we will be joined by three distinguished witnesses. First, we will hear from Mr. Kenneth Wollack, president of the National Democratic Institute. Mr. Wollack has been actively involved in foreign affairs, journalism, and politics since 1972. NDI has historically been an active observer of African politics, monitoring the 1999, 2003, and 2007 Nigerian elections. Welcome, Mr. Wollack.

We are also joined by Dr. Wole Soyinka. He is currently a fellow at Harvard University's DuBois Institute, a fellow at the University of Nevada's Black Mountain Institute, and professor emeritus at Obafemi Awolowo University in Ile-Ife in Nigeria. We thank him for his strong interest and leadership on these issues on Africa and his ground-breaking scholarship. He is a living legend, and it is just an honor to have a Nobel Laureate testify before our committee.

Finally, we are joined by Mr. Loren Craner, president of the International Republican Institute. Previously, Mr. Craner was Assistant Secretary for Democracy, Human Rights, and Labor for Secretary of State Colin Powell. He is no stranger to Capitol Hill. He was an adviser to Senator John McCain on his foreign policy from 1986 to 1989, serving concurrently as a Republican staffer on the Senate Central Americans Negotiating Observer Group. He began his career as a foreign policy adviser to Congressman Jim Colby. So we welcome you, and we welcome this entire panel.

We will start, Mr. Wollack, with your testimony.

STATEMENT OF MR. KENNETH WOLLACK, PRESIDENT, NATIONAL DEMOCRATIC INSTITUTE

Mr. WOLLACK. Mr. Chairman and members of the subcommittee, on behalf of the National Democratic Institute, I appreciate the opportunity to speak about "Nigeria at the Crossroads" and the challenges facing democracy in Nigeria in the wake of the April national elections.

Eight years and three general elections after the country's transition from military to civilian rule, Nigeria should have had the experience necessary to conduct democratic polls. Certainly, Nigerians had every right to expect credible elections. Instead, the 2007

polls represent a significant step backward in the conduct of elections in the country.

In April, I joined civil and political leaders, academics, and election experts from 16 countries in Africa, North America, Europe, and Asia in an NDI international delegation to observe the Presidential and National Assembly polls. The delegation was led by NDI Chairman Madeleine Albright; former Niger President Mahamane Ousmane; former Liberian President Amos Sawyer; former Canadian Prime Minister Joe Clark; former New Hampshire Governor Jeanne Shaheen; and Justice Yvonne Mokgoro of the Constitutional Court of South Africa.

The delegation visited polling sites in all six geopolitical zones and built on the work of long-term NDI observers, who monitored the registration process, the campaign period, and the April 14 state elections. It also drew on the findings and recommendations of an earlier NDI mission that visited Nigeria in May 2006, as well as NDI's local partner organizations, which trained and deployed 50,000 election monitors nationwide.

I would like to ask, Mr. Chairman, to submit the delegation's statement into the record.

Mr. PAYNE. Without objection.

Mr. WOLLACK. Thank you. Nigeria needed successful elections in 2007 not only to ensure the legitimacy of the new government and build public confidence in the country's nascent political institutions, but also to demonstrate the country's continued leadership on the continent.

Unfortunately, the electoral process failed the Nigerian people, and the failures began long before voting began. It was only after the National Assembly voted down constitutional amendments that the Electoral Act was finally passed last June. Party primaries were often contentious and lacked transparency. Moreover, a lack of preparation early in the electoral process raised concerns about the Election Commission's, INEC, ability and commitment to conduct credible elections.

The electoral calendar was announced late, and the voter registration process was characterized by an inability to assemble adequate registration equipment and insufficient publicity about the process. INEC announced that 61 million Nigerians had registered to vote but never made public the complete voter registry.

The location and number of polling stations was also not adequately publicized, while the voting and tabulation procedures were circulated belatedly and to a limited audience.

INEC's decision, later overturned by the courts, to disqualify a number of candidates, including the then-Vice President, on the grounds of indictment by a Federal Government administrative panel, was one of many factors that cast doubt on the Commission's impartiality in the pre-election period.

When the Supreme Court ruled that the Vice President should appear on the ballot 5 days before the elections, INEC had to rush to print new Presidential ballots, which lacked serial numbers, as required by law, and arrived in the country so late that voting was officially postponed by 2 hours. In many polling sites, the delay was much longer, and, in some places, ballots never arrived.

In addition, the accreditation of tens of thousands of domestic election monitors was delayed unnecessarily by INEC.

During both the state and national elections, observers noted a range of irregularities, many of which led to severe vote disenfranchisement. The delay in delivery of essential electoral materials and in the opening of the polling sites was unprecedented in all of the elections that NDI has observed in every region of the world, including previous elections in Nigeria.

Most significantly, the nearly 60 percent voter turnout announced by INEC was more than double what domestic and international observers had witnessed.

Other serious problems included inadequate quantities of ballots and reporting forms at polling stations, inaccurate ballot papers in many legislative races, lack of secrecy of voting, a nontransparent and multitiered coalition process that was vulnerable to manipulation, errors in the voter register and ballot box stuffing and thefts.

The observations of the NDI delegation mirrored those of other observer groups, both international and domestic.

Sadly, Mr. Chairman, in sharp contrast with many of its neighbors, such as Benin, Ghana, Mali, Mauritania, Niger, Sierra Leone, and the Democratic Republic of Congo, that have managed to conduct credible elections in a short period of time following their political transitions, 8 years later, Nigeria still lacks the political will to do so.

Certain positive trends in Nigeria's democratization process give reason to hope that the concerns resulting from the recent elections could be overcome. Prior to the elections, the Nigerian judiciary enhanced its credibility and independence in the eyes of many Nigerians. The outgoing National Assembly exercised considerable oversight over an attempted expansion of executive powers, and an energized civil society mobilized in large numbers to monitor the elections and to educate voters. Yet all of these institutions will once again be challenged in the post-election environment.

The election tribunals are already deluged with petitions. As of last week, over 1,250 election petitions had been filed with the election tribunals. Even with tribunals, based in each of Nigeria's 36 states, and with new rules to speed the processing of claims, the sheer number of petitions, which is more than double the number filed in 2003, could overwhelm the legal system. We hope that the tribunals will continue to act fairly and expeditiously.

The new National Assembly, which faces a turnover rate of approximately 75 percent of House and Senate members, will have to, once again, demonstrate its independence and commitment to the democratic reforms of its predecessor body.

From NDI's experience in past elections worldwide, political will and broad-based dialogue are necessary to address what everyone agrees are urgent issues. One such example was the Institute's experience in the Dominican Republic, which showed that the reconciliation process is possible if a genuine effort is made to reach out to representatives of all sectors of society.

In 1994, with serious flawed national elections, the Government of the Dominican Republic, along with religious, business, political party, and civic leaders, held a series of roundtables to develop what they called the "Pact for Democracy." It included far-reaching

electoral and constitutional reforms followed by early elections 2 years into the 4-year term. The pact changed the political face of the Dominican Republic and ended a legacy of undemocratic elections.

As our delegation co-leader, Joe Clark, noted:

“No one would pretend that the complexities of these two countries are comparable, but the crisis of legitimacy is similar, and the lesson is that unconventional responses can have a better chance of working than following old ways that are known to fail.”

In his inaugural address, the new Nigerian President pledged to improve the country’s electoral system. Similar promises of reform made after the 1999 and 2003 elections, however, were not kept. The Nigerian Government must translate these new words into immediate actions. It should begin by initiating an inclusive national dialogue followed by comprehensive electoral reform. A seriously flawed election process, after all, can infect other institutions, as well as important efforts to fight corruption. If votes can be stolen with impunity, why should anyone take seriously efforts to stop the theft of money?

These festering problems can only lead, dangerously, to further disaffection, apathy, and cynicism. The international community must remain engaged diplomatically and provide the needed support for dialogue and a genuine and immediate electoral-reform process. Disengagement would further undercut the confidence of millions of Nigerians who expect such support and serve to negate the efforts of the international and domestic election observation missions.

Africa, Mr. Chairman, needs a democratic, stable, Nigeria that can serve as a positive force on the continent. To allow a crisis of confidence and legitimacy to persist or worsen will only exacerbate existing problems and create serious obstacles for the Nigerian state in serving its citizens. The people of Nigeria deserve better. Thank you, Mr. Chairman.

[The prepared statement of Mr. Wollack follows:]

PREPARED STATEMENT OF MR. KENNETH WOLLACK, PRESIDENT, NATIONAL
DEMOCRATIC INSTITUTE

Mr. Chairman and members of the Subcommittee, on behalf of the National Democratic Institute (NDI), I appreciate the opportunity to speak about “Nigeria at the Crossroads” and the challenges facing democracy in Nigeria in the wake of the April national elections.

On May 29, a new government took office in Nigeria when the declared winner of the April 21 presidential election, Umaru Yar’Adua, was sworn in. Although his inauguration represented the first time in Nigerian history that a civilian government served two full terms and then transferred power to another without the military’s interference in the political process, serious electoral irregularities marred what could have been a landmark achievement. The April gubernatorial and legislative elections were also characterized by pervasive irregularities, which cast a shadow over the recent inauguration of many state governors and the induction of many national and state legislators.

Eight years and three general elections after the country’s transition from military to civilian rule, Nigeria should have had the experience necessary to conduct democratic polls. Certainly Nigerians had every right to expect credible elections. Instead, the 2007 polls represent a significant step backward in the conduct of elections in the country. And, given the serious, widespread problems witnessed by international and domestic observers alike, it is unclear whether the elections re-

flected the will of the Nigerian people. Now, fundamental flaws in the electoral process decried by civil society and opposition political parties, religious bodies and even some members of the ruling People's Democratic Party (PDP) threaten to undermine the new government's legitimacy.

In the lead-up to the April polls, the democratic trends were not all negative. A more positive role was played by the National Assembly, the judiciary, civil society and the media, which took steps to reinforce the rule of law and to prepare for the 2007 elections. For example, in May 2006, following a rigorous debate, the National Assembly voted down an attempt to amend the country's constitution, whereby term limits for the president and state governors would have been extended. The high courts also asserted their independence, strictly and impartially applying the country's laws. The courts overturned impeachments of state governors, confirmed that the then-vice president's tenure in office would continue after he switched his party affiliation, and reversed the Independent National Electoral Commission's (INEC) disqualification of candidates, including the vice president. Nigerian civil society organizations, including trade unions, inter-faith religious bodies and the media, undertook extraordinary efforts to inform citizens about, and encourage their participation in, the electoral process.

NDI ELECTION OBSERVATION

In April, I joined 60 civic and political leaders, academics and election experts from 16 countries in Africa, North America, Europe and Asia in an NDI international delegation to observe the presidential and National Assembly polls. The delegation was co-led by Madeleine Albright, Chairman of NDI and former US Secretary of State; Mahamane Ousmane, Speaker of the Economic Community of West African States (ECOWAS) Parliament and former President of Niger; Amos Sawyer, former President of Liberia; Joe Clark, former Prime Minister of Canada; Jeanne Shaheen, Director of the Institute of Politics at the John F. Kennedy School of Government of Harvard University and former Governor of New Hampshire; Yvonne Mokgoro, Justice of the Constitutional Court of South Africa; and myself.

The delegation visited polling sites in 14 states covering all six geopolitical zones. NDI's observer group built on the work of long-term NDI observers who monitored the registration process, the campaign period, and the April 14 state elections. It also drew on the findings and recommendations of an earlier NDI mission that visited Nigeria in May 2006, at the peak of the debate over constitutional amendments that included a controversial proposal to extend presidential and gubernatorial term limits. That delegation included Ketumile Masire, former President of Botswana; Karl Auguste Offmann, former President of Mauritius; Hage Geingob, former Prime Minister of Namibia; Joe Clark; Jeanne Shaheen; and Martin Luther King III.

The April 2007 delegation was NDI's 10th international election-related mission to Nigeria since the country's transition from military to civilian rule in 1998/99. The Institute also fielded international observer delegations to monitor national elections in Nigeria in 1998, 1999, and 2003. NDI has maintained an in-country presence in Nigeria since 1998, supporting Nigerian efforts to develop the National Assembly and civil society organizations. The Institute's work in Nigeria has been funded by the U.S. Agency for International Development (USAID), the National Endowment for Democracy (NED), the UK Department for International Development (DFID), and other donors.

For their part, Nigerian civil society groups, many of whom were NDI partners, deployed more than 50,000 domestic election monitors nationally for the state and national elections. In the lead-up to the polls, these nonpartisan observer groups agreed upon a common "checklist" to capture election day observations and developed a unified system for reporting data collected on election day. NDI facilitated and provided technical assistance and logistical support for these important efforts.

NIGERIA'S 2007 ELECTORAL PROCESS

High Stakes for Stability and Democracy

As we all know, Nigeria is an important country, not only in Africa but for a world experiencing rapid political and economic globalization. What happens in Nigeria, for good or for bad, has an impact far beyond its borders. When she served as secretary of state, NDI's chairman, Madeleine Albright, identified Nigeria as one of the world's four most important developing democracies, along with Colombia, Indonesia and Ukraine—countries that were "each at a critical point along the democratic path," and that "could be a major force for stability and progress in its region." With 140 million inhabitants, Nigeria matches the combined population of the other West African countries. One out of every five Africans is a Nigerian. Nigeria has played, and continues to play, a leadership role within the African Union and

in peacekeeping efforts in Liberia, Sierra Leone, the Democratic Republic of Congo, Sudan (Darfur) and other trouble spots across the continent. It also is a major supplier of oil to the United States: by some estimates, accounting for close to 10 percent of oil imports into this country.

Nigerian Elections in the African Context

The Nigerian elections took place against the backdrop of advances in democratic governance and competitive elections across Africa since the early 1990s, during what has been termed the “third wave of democratization.” Despite ongoing conflicts and stalled transitions in countries such as Sudan, Somalia and Zimbabwe, overall, Africa has moved from a situation in which only four countries practiced some level of multipartism in 1990—Botswana, Mauritius, Senegal and The Gambia—to one in which 34 countries were rated ‘free’ or ‘partly free’ by Freedom House in its 2006 *Freedom in the World* publication. Increasingly, African countries such as Ghana, Benin, Botswana, Mali, South Africa, Zambia, Namibia, and just weeks ago, Mauritania, to name a few, demonstrate to the continent and to the rest of the world the universal nature of democratic principles and practices, including the desire of peoples to freely choose those who govern them through regular and credible elections.

Consider this one stark reminder of the changing political face of Africa. Between 1960 and 1990, only three African heads of state and government had retired voluntarily or left office after losing an election. Since 1990, that number has soared to nearly 40. Two years ago, NDI brought together nearly one half of these leaders in Bamako, where they pledged to advance democracy and good governance on the continent. The Bamako gathering, called the African Statesman Initiative, has now spawned another important effort by former elected leaders—the Africa Forum—led by former president Joaquim Chissano of Mozambique.

The Nigerian Electoral Context

Following a series of military coups and failed attempts to establish civilian rule, Nigeria made another transition in 1999, with elections that are best seen in the context of the broader impetus to end military rule. Nigerian and international observers viewed those elections as the beginning of a process of democratization and the rebuilding of a political infrastructure that would sustain and broaden the efficacy of civilian rule. Consequently, the flaws of a rushed electoral process were largely overlooked or otherwise tolerated.

Expectations for the electoral process were higher for the 2003 polls, which were seen as an opportunity to further advance democratic gains. While those elections were successful in some respects, there were also serious problems that compromised the integrity of the process. Those elections tested the viability of many of Nigeria’s weak public institutions, most notably INEC, which was criticized for its institutional and professional shortcomings and perceived lack of independence. Moreover, there were delays and lack of transparency in the voter registration process that disenfranchised eligible voters; high levels of political violence; vandalized, stolen and stuffed ballot boxes, particularly in Rivers, Kogi and Enugu states; and altered results during the multi-tiered tabulation, or “collation” process, all of which took place against a background of last-minute transfers of State Resident Electoral Commissioners. These problems and irregularities were identified by NDI and other international observers, as well as by Nigerian monitoring organizations. While the election observers sharply criticized the integrity of the process, they did not challenge the outcome of the 2003 elections.

The cumulative effect of the problems in 2003 contributed to a serious lack of public confidence in elections. A public opinion poll conducted last year by *Afrobarometer* revealed that only 9 percent of Nigerians believed that the 2003 polls were “free and fair.”

Given these electoral experiences, Nigeria needed successful elections in 2007, not only to ensure the legitimacy of the new government and build public confidence in the country’s nascent political institutions, but also to demonstrate the country’s continued leadership on the continent. Shortly before the elections, I noted in a speech at the Council on Foreign Relations that “fatally flawed elections in Nigeria could derail the still fragile democratic transition underway, with grave consequences, including increased potential for violence and instability for the country, much of surrounding West Africa and beyond.” Unfortunately, the 2007 electoral process failed the Nigerian people in many ways.

Pre-Election Period

The failures of the April elections, however, began long before election day. It was only after the National Assembly voted down constitutional amendments to the Electoral Act was finally passed in June 2006. Party primaries were often contentious and lacked transparency. Moreover, a lack of preparation early in the electoral

process raised concerns about INEC's ability and commitment to conduct credible elections. The electoral calendar was announced late and the voter registration process was characterized by an inability to assemble adequate registration equipment and insufficient publicity about the process. INEC announced that 61 million Nigerians had registered to vote, but never made public the complete voter registry or explained the process by which the 61 million voters had been listed.

The location and number of polling stations was also not adequately publicized, while the voting and tabulation procedures were circulated belatedly and to a limited audience. The inability or refusal of election authorities to release basic information about the electoral process to the public in the pre-election period undermined transparency and hampered participation. Information that presidential ballots were still being printed in South Africa 48 hours before the election day added to the confusion, uncertainty and anxiety about fundamental aspects of the process.

INEC's decision, later overturned by the courts, to disqualify a number of candidates, including the then-vice president, on the grounds of indictment by a federal government administrative panel was one of many factors that cast doubt on the Commission's impartiality in the pre-election period. When the Supreme Court ruled that the vice president should appear on the ballot five days before the April 21 election, INEC had to rush to print new presidential ballots, which lacked serial numbers as required by law and arrived in the country so late that voting was officially postponed by two hours. In many polling sites, the delay was much longer, and in some places ballots never arrived.

In addition, the accreditation of tens of thousands of domestic election monitors was delayed unnecessarily by INEC. It was a sad irony that these monitoring groups, which had fought for the restoration of civilian, democratic government in Nigeria during the difficult period of military rule and were accredited in 1998/99 when the military was in power, were now being impeded by an elected government.

Election Day

During both the state and national elections, NDI and other observers noted a range of irregularities, many of which led to severe voter disenfranchisement. Problems witnessed included late opening of polls and, in some cases, failure to open at all; inadequate quantities of ballots and reporting forms at polling stations; inaccurate ballot papers in many legislative races; lack of secrecy of voting; a non-transparent and multi-tiered collation process that was vulnerable to manipulation; errors in the voter register; and inconsistency in the voter verification process. Most significantly, the nearly 60 percent voter turnout announced by INEC was more than double what domestic and international observers had witnessed. The delay in the delivery of essential electoral materials and in the opening of polling sites was unprecedented in all of the elections that NDI has observed in every region of the world, including previous elections in Nigeria.

The observations of the NDI delegation mirrored those of other observer groups, including the European Union, the Commonwealth, the Economic Community of West African States (ECOWAS) and the International Republican Institute, all of which were critical of the conduct of the elections. All of these international observer groups concurred that the 2007 electoral process had failed the Nigerian people and that the polls did not meet minimum international standards for democratic elections. The conclusions reached by international observers echoed the findings of the domestic observer groups. Following the elections, the European Parliament issued a resolution recommending that European Union aid be withheld from Nigeria until "new, credible elections have been held."

The cumulative effect of the serious problems that NDI and other domestic and international observers witnessed substantially compromised the integrity of the electoral process. What is so troubling about the electoral process is that, as NDI's delegation noted, "the 2007 polls represent a step backward in the conduct of elections in Nigeria," jeopardizing the forward trajectory of democratic consolidation. In sharp contrast with many of its poorer neighbors, such as Benin, Ghana, Mali, Mauritania, Niger, and Sierra Leone—that have managed to conduct credible elections in a short period of time following democratic transitions—eight years later, Nigeria still lacks the political will to do so.

Post-Election Situation

The most critical question today is whether the new Nigerian government can take the extraordinary steps needed to redress its flawed electoral process in order to serve the public interest and recover the important, yet fragile, gains made by the country's fledgling democratic institutions.

Certain positive trends in Nigeria's democratization process give reason to hope that the concerns resulting from the recent elections can be overcome. As noted

above, the Nigerian judiciary performed admirably in rulings that enhanced its credibility and independence in the eyes of many Nigerians. The outgoing National Assembly exercised considerable oversight over an attempted expansion of executive powers, and an energized civil society mobilized in large numbers to monitor the elections and to educate voters. The media also created channels for the expression of diverse views and the dissemination of information. Most importantly, millions of Nigerian voters waited patiently to exercise their fundamental political and civic rights, showing a strong desire to participate in the democratic process.

All of these institutions will once again be challenged in the post-election environment. The election tribunals are already deluged with petitions. As of last week, over 1,250 election petitions had been filed with the election tribunals, including eight that dispute the results of the presidential race, 106 challenging the gubernatorial outcomes, 130 cases against Senate races, 292 related to the House of Representatives results, and 724 cases regarding state legislatures. Even with tribunals based in each of Nigeria's 36 states and new rules to speed the processing of claims, the sheer number of petitions—which is more than double the number filed in 2003—could overwhelm the legal system.

Many Nigerians hope that the adjudication process will resolve election-related complaints, but are apprehensive that justice can be rendered soon enough, given the delays experienced in resolving such disputes following past polls. In one notable case after the 2003 elections, it took three years for the election tribunals to finally hold that the true winner of the gubernatorial elections in Anambra State was not the candidate sworn into office. The rightful winner of the 2003 election was finally inaugurated in 2006, and has since petitioned the courts to serve his full four-year term, which was cut short by the 2007 elections. The tribunals also took almost three years to rule on the case brought after the 2003 election by the opposition presidential candidate, Muhammadu Buhari.

In addition, guidelines for filing election petitions, although designed to speed up the process of adjudication, have drawn criticism. Critics cite difficulties in meeting filing requirements, the potential for intimidating witnesses (whose details and sworn statement must be disclosed upon filing) and a lack of cooperation from INEC in providing required documentation as serious obstacles. The adjudication of electoral disputes is an integral part of the electoral process, but to ensure stability and the sustainability of democracy in Nigeria, the election tribunals must process complaints expeditiously and in a transparent manner. Should the adjudication process fail, there could be an escalation of frustration across the country, leading to increased tension.

The new National Assembly will face a turnover rate of approximately 75 percent of House and Senate members. Many candidates for the new National Assembly emerged from controversial primary contests within the political parties. Also, some of the legislative races were marred by serious irregularities on election day and petitions have been filed with tribunals in these cases. To inspire public confidence and continue the past legislature's steps towards independence from the executive branch, the new Assembly will have to demonstrate its competence, effectiveness and commitment to the democratic reforms of its predecessor.

With regard to civil society, post-election protests organized by civil society groups, labor and some opposition parties resulted in the arrest of more than 300 people, including some civil society leaders who spoke out publicly on the failings of the elections. Anxieties were further heightened when agents of the Nigerian security services raided the offices of some civil society groups in the weeks following the announcement of elections results. Meanwhile, some opposition parties and civil society groups continue to demand a re-run of the elections. The government needs to recognize civil society's role in advocating for constructive and meaningful reforms, and its right to do so.

In the aftermath of these failed elections, millions of Nigerians are left wondering whether to keep faith in the country's electoral process and to believe that their votes count, or to succumb to apathy and disaffection with democracy. If Nigerians lose faith in the democratic process as a means for resolving disputes, the potential for tensions and instability will inevitably grow. Almost immediately after the April polls, violence increased in the Niger Delta, and no visible efforts have been made to disarm militias that perpetrated violence against political opponents and threatened stability and general security across the country.

THE WAY FORWARD

NDI's delegation co-leader, former Canadian Prime Minister Joe Clark, emphasized in a keynote address at the Woodrow Wilson International Center for Scholars on May 18, "Nigeria failed the electoral test in April. It cannot afford to fail the

governance test now.” The coming months could be a turning point for Nigeria’s democratic development. On one hand, the period could serve as an opportunity for rebuilding shattered citizen confidence in the electoral process, and as an occasion to undertake profound reforms that could help build legitimacy in the country’s newly-elected leadership. On the other hand, failure to expeditiously and fairly resolve electoral complaints and engage in reform could send the country’s democratic development into a backward slide, undoing progress made since the transition from military to civilian rule.

Mr. Chairman, I am not here to propose a specific remedy. Ultimately, Nigerians must find viable and sustainable solutions to these very serious problems. However, from NDI’s experience in past elections worldwide, political will and broad-based dialogue are necessary to address what everyone agrees are urgent issues. NDI has worked with democrats in countries around the world to peacefully resolve crises such as the one in which Nigeria finds itself. For example, the Institute’s experience in the Dominican Republic shows that reconciliation is possible, if a genuine effort is made to reach out to representatives of all sectors of society. In 1994, after seriously flawed national elections, the government of the Dominican Republic, along with religious, business, political party and civic leaders, held a series of roundtables to develop what they called the Pact for Democracy. It included far-reaching electoral and constitutional reforms, followed by early elections two years into the four-year term. The Pact changed the political face of the Dominican Republic and ended a legacy of undemocratic elections. “No one would pretend that the complexities of those two countries are comparable,” said Joe Clark, “but the crisis of legitimacy is similar, and the lesson is that unconventional responses can have a better chance of working than following old ways that are known to fail.”

In his inaugural address, the new Nigerian president declared, “our [election] experiences represent an opportunity to learn from our mistakes. Accordingly, I will set up a panel to examine the entire electoral process with a view to ensuring that we raise the quality and standard of our general elections, and thereby deepen our democracy.” Nigerians and friends of Nigeria are all too aware that similar promises of reform made after the 1999 and 2003 elections were not kept. The Nigerian government must translate these words into actions, as soon as possible, if it is to gain trust and confidence among its fellow citizens and the community of democratic nations. Such a panel must have credibility and power, and its recommendations must include immediate, far-reaching reforms in order to overcome a growing crisis of confidence.

Questions about legitimacy could impede the new administration’s ability to govern decisively on issues of critical importance to Nigeria’s future, including much needed economic reforms and efforts to fight corruption. In democracies, elections are a key component of the social compact between the governed and the citizenry, and the one contract that is negotiated in public view. A flawed electoral process therefore affects the legitimacy of any government that emerges from it and, in the case of Nigeria, can also infect other institutions and efforts to fight corruption. After all, if votes can be stolen with impunity, why should anyone take seriously efforts to stop the theft of money? These festering problems can only lead to further indifference, apathy and cynicism.

International and domestic condemnation of the April elections is helping to sustain calls for electoral reform. It is critical that the international community remains committed to broad-based dialogue and that these issues remain high on the agenda in bilateral discussions with the new Nigerian government. While the Yar’Adua government has pledged to bring Nigeria’s general elections to international standards by 2011, meaningful reforms must be initiated now if they are to impact the country’s next elections. Many voices are calling for cancellation and re-run of the elections, but simply organizing new elections within the current electoral framework would likely produce a similar, flawed outcome.

Electoral reform efforts must begin immediately. I would offer the following recommendations as a starting point.

Recommendations

The new government needs to adopt constitutionalism and the fair application of the rule of law for all Nigerian citizens as a guiding principle. The profound lack of democratic legitimacy, and the skepticism that accompanied the current government’s entrance into public office, place a tremendous cloud over what was to have been a crucial moment in Nigeria’s political history. Immediate steps to undertake broad and genuine reform of the electoral process may provide an opportunity to regain some of the lost trust and confidence of the Nigerian people and democrats around the world.

The Nigerian Government and Other Stakeholders

- An open, inclusive and comprehensive dialogue needs to begin internally with members of all sectors of Nigerian society, including the executive branch, elected officials, leaders of the political majority and opposition, members of civil society, and representatives of professional associations and religious bodies, to work out a detailed diagnosis of existing impediments to credible elections and agree on concrete steps and benchmarks for effective electoral reform.
- The electoral framework, including the Electoral Act of 2006, needs to be overhauled in light of the lessons learned from the 2007 elections.
- Once a new electoral law is enacted, the National Assembly and Nigerian civil society organizations and professional associations such as the Nigerian Bar Association should exercise appropriate oversight over its implementation and the actions of INEC.
- Political parties should develop internal procedures for candidate selection that are transparent and democratic, and exclude those who use intimidation, violence or bribery to gain nomination or office. Nigerian women and youth should be encouraged to participate more actively and to seek public office.
- Civil society organizations should continue and expand their broad civic education efforts to include monitoring and reporting on the adjudication process for election-related disputes.
- Religious leaders should use their considerable moral authority and speak with one voice to demand a sound and credible electoral process and to promote non-violence throughout the election process.
- Elections bring to the fore the strengths and weaknesses of a democracy, and in the case of Nigeria highlighted the challenges of corruption and impunity that political leaders must address. Unless alleged perpetrators of electoral fraud, violence and associated violations of the Electoral Act and the Nigerian criminal law are quickly brought to justice, irrespective of their official positions or political associations, the specter of corruption and impunity that has marred Nigeria's electoral process to date will continue to threaten and undermine citizen confidence in the country's political institutions as a whole.
- To be effective, Nigeria's anti-corruption policy must be fair and devoid of partisan political motivation in charges against members of the ruling and opposition parties, and former and current public officials.

INEC

- As a first and basic step, INEC should release results by polling site, and post these figures publicly as stipulated by the Electoral Act. This will enable citizens to independently verify the accuracy of the announced results.
- INEC must cooperate fully with the election tribunals and must desist from actions or statements that could call into question its impartiality during the adjudication process.
- Where results declared by INEC are set aside by the decisions of election tribunals, INEC should conduct internal investigations and take steps to sanction those members of its staff and/or pollworkers found to have been involved in electoral malpractices, and initiate criminal prosecution where appropriate.
- INEC became what one observer called "the symbol and the instrument" of the failed election. It must be reorganized and reformed before new elections are held. The constitutional provisions that vest so much power for the appointment of INEC Commissioners and Resident Electoral Commissioners in the president should be revisited, as an electoral commission whose members are perceived as beholden to an individual or a particular party will never have the confidence of the Nigerian people to conduct credible elections.
- INEC must adopt regulations and procedures that allow effective observation of counting, transportation, transmission, tabulation and announcement of results to address concerns about the manipulation of election results during the collation process.
- Specific administrative, legislative and/or constitutional measures also must be adopted to ensure the financial autonomy of INEC.

CONCLUSION

Given that Nigerian and international groups identified and publicly raised the main shortcomings with the current electoral framework a year prior to the April

2007 elections, the Nigerian authorities chose to preside over an electoral process that was virtually designed to fail. The current crisis has resulted from a lack of political will to fully embrace the tenets of democratic governance.

As such, the current crisis of legitimacy can only be overcome by an urgent commitment and extraordinary steps to strengthen the country's democratic institutions. At this critical juncture in history, Nigeria's government must demonstrate the political will necessary to implement reforms that would once more place Nigeria on a positive trajectory towards democratic consolidation. The Nigerian people also must come together to ensure that these issues are not allowed to go unaddressed. Civic and political leaders in society must work together, with a common purpose and sense of urgency, to move the country forward.

The international community must remain engaged diplomatically and provide the needed support to a genuine and immediate electoral reform process. Disengagement or disinterest would send a signal that the international community has lost interest in the conduct and integrity of electoral processes in Nigeria. It would undercut the confidence of millions of Nigerians who expect such attention from the international community and negate the work of the international observation missions to the elections. Disengagement also would be interpreted by other countries as a sign that international support for the development of democracy is hollow or short-lived.

The African continent needs a democratic, stable Nigeria that can serve as a positive force for change. To allow a crisis of legitimacy in Nigeria to persist or worsen will only exacerbate existing problems, and create serious obstacles for the Nigerian state in serving its people. The citizens of Nigeria and the people of Africa deserve better.

Mr. PAYNE. Thank you very much. I will recess the meeting for about 15 minutes and see if I can make my vote in 27 seconds. I was waiting on baited breath for you to finish. I did not want to cut you off. You were on a roll, but I had better get over there and try to cast my vote. So we stand in recess for about 15 minutes, and then we will have Dr. Soyinka.

[Whereupon, at 11:37 a.m., a recess was taken.]

Mr. PAYNE. We will resume our hearing. I did make the vote. We will now hear from our second panelist, Dr. Wole Soyinka.

STATEMENT OF WOLE SOYINKA, PH.D., FELLOW, DUBOIS INSTITUTE, HARVARD UNIVERSITY

Mr. SOYINKA. Thank you very much, Mr. Chairman. I would love to be able to say that it is a great pleasure to meet you again, but I am sorry. That would not be honest. I would rather we met under different circumstances, but I look forward to having a chat again afterwards.

I will not belabor a dead horse. I think that, universally, it is agreed that Nigeria has just inflicted a blow on democracy, the like of which we have not witnessed in the Nigerian nation since independence. I wish to associate myself very strongly with the statement of Mr. Wollack. It was very much to the point.

I think it was firm, and I particularly want to call attention, in view of what the Ambassador said earlier, to call attention to his recommendation, his point of view, that this is an unusual situation which requires an unusual remedy, and the notion that a shorter tenure of this presidency would be unconstitutional is simply untenable. The election itself was unconstitutional, from beginning to the end. In fact, it cannot be claimed that an election did take place because the process was marred from the very beginning.

Long before the election itself took place, the election had failed. It had proceeded along unconstitutional lines, masterminded by

one individual who had not yet given up his ambition of ruling that nation dictatorially, even after leaving office.

In this presentation, which I will not read completely because I think most of the things I wanted to say have been mentioned by Mr. Wollack, in the section where I call for an inquiry into the electoral proceedings as one of the first duties of the interim President, Mr. Yar'Adua, I said that the terms of reference of the Commission must include the relationship of the electoral debacle with the notorious, failed attempt of 2006 to subvert the Constitution in order to accord a third term of office to the former President.

You see, that attempt, that failed attempt, is linked to the manipulation of this election, the rigging into office of a number of cronies of the departing President, all, of course, being part and parcel of the unprecedented decision of the ruling party, if it was a decision, but, anyway, the fact on the ground is that the former President has now made himself ruler for life, chairman for life, of the ruling party. Mr. Obasanjo has not given up his hopes, his intention, his obsession, with ruling that nation permanently.

What we have had to show for 8 years has been nothing but disobedience to the rule of law, a contempt for even the decisions of the Supreme Court, and the naked attempt to turn the politics of that nation into a one-party rule.

Now, the position of the opposition generally, and that includes the Coalition of Ethnic Nationalities, the opposing political party, civil society, et cetera, et cetera, the position of the opposition is that the elections are not yet over, the "elections" are not yet over, and the tribunals, as we have heard, have begun their truly intimidating task.

Virtually every position of note is being contested, and it will be a mistake to give the present incumbent, the person who was sworn in as President, to give the impression that he is accepted internationally as a legitimate President. The opposition refers to him generally as "interim President," as "pro tem President," as "caretaker President," or whatever, and his government as a "caretaker government."

That is why I must stress the idea, which, incidentally, was also mooted in the statement of the Nobel Laureates Commission, calling for a period of 18 months. Mr. Wollack has proposed 2 years as the life span of this regime. The Nobel Laureates said 18 months. I think 9 months should do it, but the important thing is that an illegitimate situation should not be allowed to subsist 1 second longer than is acceptable for the necessary reforms to be established, to be in place, in order to have credible elections.

What will happen here, and there is a paragraph which I wish to read here, is that too much emphasis is being placed, necessarily, I admit, on the position of the President. We have forgotten the Senators, forgotten the members of the House of Representatives.

We are not paying enough attention to governors, and if these are creatures of the agenda for one-party rule, then it does not really matter whether even the President goes because the incumbent President remains there or not because these are cronies. These people have been manipulated into position by the outgoing President, and mostly those who were rigged out of office were

those who resolutely and, on principle, opposed the prolongation of the tenure of the departing President.

So who do we have there? We have creatures of the rump PDP, creatures of the departing President, committed to rule by arbitrary conduct and disobedience of the rule of law.

I pose a question here. I know it is almost a rhetorical question. I could even call it hallucinatory. But is it really impossible for someone to say to himself, "I am the beneficiary of a criminal process. I have in my possession stolen goods. However, the socio-political situation demands that there should not be a vacuum"?

What is the logical procedure then, if one makes such an honest admission based on moral integrity to himself? It is to call all the others and discuss with them what is the quickest and most painless way of making restitution to the victims of violent robbery? This is what the opposition expects Mr. Yar'Adua to do, and to do it in the minimum possible time.

Once he announces a policy, he will receive the cooperation for the kinds of consultations, national unity, for security, for even an economic program during the period while he is an interim President, any conduct which suggests that he has earned, and he enjoys, the confidence of the nation is a self-deception because we are still being ruled indirectly, not necessarily by the outgoing President but by the cabal which he headed, to the detriment of the self-respect of the nation.

The Constitution is also at the heart of much of the problem. Nigeria has no Constitution. This is a military Constitution handed over to the Nigerian people to operate, whether they like it or not. Nigerians have been chaffing under this over centralist Constitution for a nation that calls itself "federalist."

So, 2 years ago, a number of political leaders, thinkers, working with a representative of ethnic nationalities, civil society, labor movement, et cetera, came together in full freedom to fashion a genuine people's Constitution. It is in draft form. It has been printed, it has been distributed, and one of the missions of the interim President is to convoke the National Assembly to debate this genuine Constitution, to debate it, adopt it. Yes, he should constitute an assembly immediately to look into the possibilities of a new Constitution.

Let me remind everyone here that when the 1999 election took place, Nigerians did not even know what they were voting for because there was no Constitution. It was hidden under the bed of Mr. Abdusalami, the then-interim dictator, who stayed for 1 year. The people, Nigerians, never saw the Constitution.

So we began operating something that we were not a part of, and to get to the heart of the malaise which has seized the nation, one which made it possible for a President to ride roughshod over that very document, over the judiciary, over civil society, we have to examine that Constitution, and we have to give the people an opportunity of deciding the protocols that bind them together as a nation. That is what the Constitution is all about.

The problem in the delta region will never be solved by cheap sops like hand-picking the Vice President from that region and hoping that the people of the delta region will be fobbed off so easily. They are fighting for a principle. They are fighting about re-

source control. They are fighting for compensation for decades of degradation of the environment. Their fishing ponds have been polluted by the oil exploration companies. Their farmlands are no longer productive. On top of that, the region is underdeveloped compared to other parts of the country. That is why they took up arms.

So it is not about wanting to attain a subsidiary position of the Vice President. That is why, even after the nomination of somebody, the former governor of Bayelsa State, the militants still went on the rampage and captured more, kidnapped more, oil workers, blew up more pipelines, and even attacked the government house of Governor Jonathan, where he had hidden a number of ballot boxes. They wanted those ballot boxes out. They wanted genuine democracy, not a question of tokenism, a tokenist representative at the pinnacle of government.

So we have to go deeper than failed elections if we want to resolve the problems of security, development, unrest everywhere in Nigeria. I do not want to sound overdramatic, but I think Nigeria has reached its first breaking point since the Biafran Civil War.

Many of the ethnic nationalities need to talk, and they are getting more and more militant, and the more they are denied a voice in their own destiny, denied a voice in the making, as I said, of the document that binds the whole nation together, we are going to see more and more of the kind of action that we are witnessing today in the oil-producing region. Yes, the oil-producing region is of interest to the United States, the western countries, and so on, but I am afraid there are other areas of Nigeria where the very principle of democracy is even more valuable than mineral resources.

So, finally, let me appeal to this honorable hearing committee. Do not mince any words over what is required to be done in Nigeria, let us not say we are going to continue business as usual. Already, for instance, the "elected governor" of Oyo State, has sacked the chief judge because the tribunals are about to start sitting, and he knows very well that that judge, because of the judiciary, as has been said quite correctly, the judiciary has been baring its teeth and preserving its dignity, its impartiality, and its integrity. So it has begun. The governor of Alios State sacks the head of the judiciary there because he is going to be responsible for empanelling the tribunals who will listen to the case which is coming up.

Unless Mr. Yar'Adua is made to understand that he is on trial, and the world is watching how he conducts himself and that he must conduct himself as an interim leader into whose hands have been placed the immediate, the immediate, governance of an entity, I am afraid he is going to commit the same errors as Obasanjo did. Surrounded by those who, in any case, are likely to benefit from his present position, ministers, surrounded by those, he may begin to believe that he has been genuinely elected by the Nigerian people, and that would be a disaster for the nation. Thank you very much.

[The prepared statement of Mr. Soyinka follows:]

PREPARED STATEMENT OF WOLE SOYINKA, PH.D., FELLOW, DuBOIS INSTITUTE,
HARVARD UNIVERSITY

I assume that it is universally agreed that what passed for elections in Nigeria in May 2007 was an abuse of the word 'democracy'. Assessment of the scale of abuse

may differ—for instance, the Jimmy Carter Centre monitoring group reported that there were just two states—Kano and Lagos—that could be credited with having held free and fair elections, while I would perhaps be a little more generous and concede five—Abia, Bauchi and Zamfara—as having also reflected, fairly accurately, the electoral will of the people. Five out of thirty-six, that is, one out of seven is generally considered an abysmal failure. In an examination, this would qualify for a Repeat, or expulsion from an institution. A government that is the product of such woeful democratic collapse belongs in a special category of its own, one that defies definition.

AN UNFINISHED PROCESS

Let it be noted however, that the elections are not over. The Tribunals have begun their intimidating task. Nearly every position is contested, including the presidency. As the American people have themselves learnt from harsh experience, the courts will have the last say in such disputes. Until then, the position of much of the Coalition of Political Parties, Ethnic Nationalities and Civil Society is that the products of INEC, the so-called *Independent* Electoral Commission, should be regarded as *protem* or interim officials of a caretaker government, the president included. It is asking too much of the Nigerian people, who have undergone years of brutal and arbitrary rule to accept, without reservation, this latest assault on their sovereignty under a democratic guise. The INEC presidential product, Alhaji Shehu Yar'Adua, is possibly as much a victim as the rest of over a hundred million Nigerians. The question that remains is: is he also a prisoner?

AN UNTHINKABLE PRECEDENT?

I must raise a probably hallucinatory speculation: is there a point at which an individual makes history by declaring: I am a beneficiary of stolen goods. I know I cannot, morally, retain custody of this criminalized acquisition indefinitely, in good conscience. So let us come together and discuss how best, and how rapidly, restitution can be made to all victims of a blatant robbery. Is this prospect truly inconceivable? In this context, I wish to refer to the statement signed by a Nobel Laureates Commission, offering a possible solution to the current national crisis.

A SIMMERING DISCONTENT

Much as one would wish to de-emphasize the position of the *protem* President in this context, the reality is that his shoulders bear the major burden of rectification during the life of his caretaker government. Now why do I regret this necessity? Simply because the acknowledged prestige of that position threatens to obscure the plight of hundreds of others who were also victims of a violent robbery. The greatest danger to the cohesion of any polity comes from those levels where governance touches the governed most directly. When a grave injustice has been perpetrated—in this case, when unelected governors, senators, assemblymen, local councilors—some of them known gangsters, extortionists and killers on police record—when such elements are imposed on a people, the points of explosion are multiplied, and uncoordinated. I am speaking here of a wildfire effect, each fire feeding off the other from distances, and fuelled by differing sources of combustion, then merging into a major conflagration.

This is the heart of the matter. That is why several democratic organizations within the country have demanded that these elections be completely cancelled, the electoral commission dissolved and a truly independent body set up to organize credible elections within a negotiated period.

AN INTERIM PROCEEDING

It is taken for granted that there must be governance in the intervening period. Nigerians are political realists and are willing to put to the test the sincerity and political integrity of the individual who happens to occupy the apex of the nation's governing structure. The greatest problem that confronts such a product is his lack of legitimacy. He is not without maneuvering options however, and may be assisted if, to begin with, his very conduct demonstrates the critical recognition that he occupies his present position on sufferance, as a holding arrangement, solely in the interest of national survival.

PRIORITIES FOR NATIONAL SURVIVAL

From the moment that it becomes clear that the Tribunals have completed the major part of their task, the consequent task of the *Protem* President would be to activate a Judicial Commission sitting in public, ideally made up of former judges

and recognized leaders of society, both secular and religious, business and professional, to investigate the conduct of the recent election. The Commission must have powers to arrest and send for prosecution those whom they find guilty of having abused the trust of the nation, corrupted the political process and thus eroded the very conditions of nation being. *The 'terms of reference' of the Commission must include the relationship of the electoral debacle with the notorious failed attempt of 2006 to subvert the constitution in order to accord a third term of office to the former president.*

THE INTERNATIONAL COMMUNITY

The international community must play its role by treating all those implicated in this treasonable conduct—the highest treason being the subversion of a people's sovereignty—as international pariahs, no matter how high the regard in which they were once held on the international circuit. Of all the forms of corruption that afflict a community, political corruption is the most lethal, since those who violate the sacred mandate of political choice lose regard for human lives and hold the people in contempt. Such vectors of political corruption must be taught that there is a price to pay for the abuse of power and the subversion of political system. Nearly a hundred lives were lost over the Nigerian electoral exercise, needlessly and avoidably. Responsibility for that crime must be assigned, and punishment becomes a responsibility that belongs to all who value democracy and advocate the dignity of peoples as manifested both in the right to choose their leaders painlessly and in peaceful conditions.

THE NIGER DELTA REGION

The crisis in the Niger Delta will be resolved when governance accepts both the principle and operations of true federalism. What has obtained in the Nigerian nation since the so-called return to democratic rule and the adoption of a federal constitution has been a sham of both democracy and federalism. The so-called constitution of the Nigerian nation is itself is a bequest of the military and its centralist mentality that derives from the corrupt nature of absolutist power. Decades of injustice felt by the people of the Delta region have been further compounded by the injustice of the continued detention of their acknowledged leaders, such as Asari Dokubo. This citizen should be released forthwith, and unconditionally. So must the rest of the ethnic leaders and political activists being held in custody. A genuine dialogue must be opened with such acknowledged community leaders.

A CONSTITUTIONAL REVIEW

All necessary reforms and strategies for the resolution of sectarian confrontations can only take place however under a genuine people's constitution. This recognition led, two years ago, to a people's constitutional exercise that resulted in a Draft document for the nation under the guidance of PRONACO—the acronym for a movement known as the Pro-National Conference'. Its product, the result of over a year's series of conferences, has been widely disseminated and debated. A critical undertaking of Nigeria's Interim president would be to summon an assembly to debate, adapt and adopt that document, one that is the product of a criss-cross of ethnic nationalities and civil society meeting, for the first time in their history, in full freedom, neither overseen nor intimidated by the colonial powers, nor by the latter internal colonialists, the military. The present Nigerian constitution, a centralist document that was observed more in the breach than in the observance in the past eight years, has contributed in no small measure to the discontent, unrest, and armed insurgency that continue to retard development and quality of life within the Nigerian nation space, most especially in the Delta region.

The nation is at her first breaking point since the Biafran Civil War, poised between making a clean break with the past or breaking up in all but name. That latter, undesired scenario can only be prevented by giving voice to the much abused humanity that ekes out a meager existence within that nation space.

Mr. PAYNE. Thank you. Mr. Craner?

STATEMENT OF MR. LORNE W. CRANER, PRESIDENT, INTERNATIONAL REPUBLICAN INSTITUTE

Mr. CRANER. Mr. Chairman, thank you for the opportunity to testify today. The topic of today's hearing is extremely timely, as Nige-

ria has never been more important to United States national interests than it is today.

Unfortunately, the state and national elections held in April were amongst the worst that IRI has ever observed. Rather than serving as an example of democratic sustainability of the continent, the Nigerian Government oversaw a broken electoral process that, if accepted, implicitly lowers the standard of democracy on the African continent, and I would ask that our election observers' statement be submitted at this point.

Mr. PAYNE. Without objection.

Mr. CRANER. My colleague, Ken Wollack, has detailed the election irregularities and the fraudulent activity witnessed on Election Day. From my observations, Nigerians craved a free and fair election. They stood on line, hours on end, waiting for ballots to arrive, but the Nigerian Government betrayed the trust of its people.

Nigeria's neighbors, including the DRC and Liberia, have demonstrated that it is possible to conduct elections that meet international standards, even in the most challenging of circumstances. One of our election observation co-chairs was Father Malumalu, the president of the National Election Commission of the Democratic Republic of the Congo. Throughout Election Day he expressed amazement at the extent of paved roads in Nigeria. As he noted, the DRC has only 20 miles of paved roads, yet it was the DRC, not Nigeria, whose elections were among those in Africa deemed credible over the last year.

Some have argued that we should not have expected more and should be satisfied that power has peacefully transferred from President Obasanjo to his hand-picked successor. I disagree. It is not enough to have change when the Nigerian people wanted a choice. In the year leading up to the elections, IRI, NDI, IFES, and others warned of the problems that occurred on Election Day.

One expects elections of this quality in a place like Azerbaijan or Kazakhstan, but, over the last 8 years, Nigeria has developed a vibrant civil society, an active media sector, and a Supreme Court and legislature that have demonstrated a willingness to check and balance the executive. All are elements of a democracy that were not matched by Nigeria's elections.

While we must work with President Yar'Adua, we must not repeat the mistakes we made after 1999 and 2003. Unfortunately, the message that the Nigerian Government apparently understood, coming out of those elections, was that problematic balloting was acceptable. The result is that the 2007 Nigerian elections were worse than those that preceded it. They were not so bad because of Nigeria's past; they were worse than its past. As many Nigerians have told me, they will expect more from the Nigerian Government in the 2011 elections. Here I would point out that, between the IRI, the NDI, and the EU observer delegations, none of us saw a turnout higher than 15 to 30 percent, even though the official turnout figure was 58 percent.

A series of problematic elections may give rise to greater public hostility in a country that is already afflicted with ethnic, religious, and economic conflict.

The U.S. must not be afraid to push electoral reform as a top priority in our relationship. I am concerned there may be a tendency

to overlook April's elections in favor of a continued stability at the top. As President Bush stated in Prague a few days ago, "Pursuing stability at the expense of liberty does not lead to peace."

So far, the U.S. has sent good diplomatic signals, sending a lower-level delegation to the inaugural and reportedly declining a farewell visit by President Obasanjo to the White House. But absent active efforts by Nigeria's new President to improve his country's democracy, it will be important to resist, in a few months or a year, the inevitable bureaucratic calls to be, to use a State Department phrase, "future oriented" and pursue a Presidential visit and other signs of diplomatic acceptance. Consistent messages can only encourage President Yar'Adua to muster the strength to act independently of his party's machinery.

He has the unique ability to turn his questionable victory into a legacy, much like the Congress addressed electoral reforms in the months after our 2000 elections, Yar'Adua can exercise political will and reach out to the opposition to work to reform his country's electoral and political machinery so that the flaws of the April election are never repeated.

Democracy matters to the Nigerian people. They expect more, and they implored our election observers to tell the truth. Sadly, they hoped that their government would pay even greater attention to America's words than to theirs. With growing resentment about the lack of democracy, Nigeria reminds me of another oil-rich country, where, in the 1990's, declining democratic practices were ignored, to our great cost; that is Venezuela.

Nigerians today ask two questions: First, will President Yar'Adua choose to rescue Nigerian democracy; and, second, will America pursue a mistaken view of stability, or will we be dedicated to their liberty? Thank you.

[The prepared statement of Mr. Craner follows:]

PREPARED STATEMENT OF MR. LORNE W. CRANER, PRESIDENT, INTERNATIONAL
REPUBLICAN INSTITUTE

Mr. Chairman, members of the Committee, thank you for the opportunity to testify today. The topic of today's hearing is extremely timely as Nigeria has never been as important to the U.S. national interest as it is today.

ELECTIONS

Nigeria seemingly has everything going for it: a strong economy, huge oil resources, a well-educated population, and developed political and civil societies. Yet the state and national elections held in April were among the worst IRI has ever observed. Admittedly, Nigeria faced high expectations—the elections represented the first opportunity for a peaceful transfer of power from one democratically-elected government to another in the country's history. But rather than serve as an example of democratic sustainability on the continent, the Nigerian government oversaw a broken electoral process that allowed the election to be stolen from the Nigerian people.

On both April 14th and 21st, IRI's observers witnessed a litany of election irregularities and fraudulent activity. Some polls opened 15 minutes after they were supposed to close—some never opened at all. A majority of polling stations did not open on time because they lacked ballots, and a number of legislative assembly elections had to be re-run the following week because those ballots were missing political party logos or didn't even show up at the polling station. The presidential ballots lacked serial numbers which allow for them to be tracked throughout the counting process, results were greatly altered, and public ballot box stuffing was rife.

Nigerians craved a free and fair election. They stood on line, hours on end, waiting for ballots to arrive. Dedicated poll workers showed up on time and attempted to calm crowds angry over delayed poll openings. But the Nigerian government be-

trayed the trust of its people. It is hard to imagine how these elections could have been bungled more badly given that the Independent National Electoral Commission had a reported \$400 million at its disposal, and numerous offers of technical assistance.

Nigeria's neighbors, including the DRC and Liberia, have demonstrated that it is possible to conduct elections that meet international standards, even in the most challenging of circumstances. One of our election observation co-chairs was Father Malumalu, the president of the National Electoral Commission of the DRC. Throughout Election Day he expressed amazement at the number of paved roads in Nigeria, which number twenty times those in his native DRC. Yet it was the DRC, not Nigeria, whose elections were deemed credible.

THE MISSED OPPORTUNITY

Compounding the international community's frustration has been the lack of remorse from those responsible for overseeing the election. There was nothing minor, or subtle, about how this election was stolen from the Nigerian people.

Some in Nigeria, and here in the United States, have argued that we could not have expected more and should be satisfied that power has been peacefully transferred from President Obasanjo to his hand-picked successor, President Yar'Adua. I disagree. Condoning this election simply because it took place would be the electoral equivalent of a Super Bowl won only because the other team was not allowed into the stadium. It is not enough to have change when the Nigerian people wanted a choice.

LOOKING AHEAD

While the independence of the Nigerian judiciary was a bright spot throughout the electoral process, I hold out little hope that it will be able to correct this wrong. As a result, Nigeria, a key strategic partner of the United States, will be run by a man who came to power by questionable means. While the United States must work with President Yar'Adua, we must not repeat the mistakes of 1999 and 2003. The message that Nigeria received following those elections was that the appearance of elections would be enough to satisfy international observers and foreign governments. But, the Nigerian people, and the world, will expect more from the Nigerian government in the elections of 2011. While the public response to April's travesty has been relatively muted, two failed elections in a row may give rise to greater public hostility in a country that is already a tinderbox poised to blow over ethnic, religious, or economic conflict.

If President Yar'Adua can muster the strength to act independently of his party's machinery, he has the unique opportunity to turn his questionable victory into a great legacy. Much like the Congress addressed electoral reform in the months after our 2000 Presidential election; Yar'Adua can reach out to the opposition to work to reform Nigeria's political and electoral systems so that the flaws of the April elections are never repeated. Starting by strengthening judicial independence at all levels and de-politicizing the anti-corruption commission, Yar'Adua can begin to take the steps necessary to demonstrate his administration is genuinely committed to reform, as he claims. Likewise, the endemic corruption for which Nigeria is so well known must be tackled because democracy will never succeed when *naira* is more valued than Nigerians.

President Yar'Adua can take his chances and hope that Nigerians will accept another fixed result in 2011. Or he can lead from the front and push electoral reform as the priority of his presidency. The next election will determine whether he is remembered as the man who stole his way to victory or the man who rescued Nigerian democracy. It is his choice to make.

Concurrently, the United States must not be afraid to push electoral reform as a top priority of our bilateral relationship with Nigeria. I am concerned that there may be a tendency to overlook April's elections in favor of continued stability at the top. What we cannot forget is that this matters to the Nigerian people, who implored our election observers to tell the truth, in the hope that their government would pay greater attention to our words than theirs. Whether, as a government, we prioritize this issue will not prevent the Nigerians from taking matters into their own hands. The only question is, which side of history will the United States be on?

Mr. PAYNE. Thank you very much. Let me thank each of you for your testimony. It was certainly thorough and eye opening.

I just might ask, and any of you, or all of you, can respond, there is a feeling by some that because of the flawed elections, and be-

cause there are people who would prefer to see the military return—the military is always subliminally around, as we know in the history of Nigeria. The one question might be, if too much assertion is put on this government, that elements that would like to see the military step in, to say let us right the wrong—we know there has been a wrong, and so sometimes people who are not necessarily of goodwill would take a legitimate role and try to then use it for their personal gain or their group's gain.

So I wonder whether there is any, and it is just your opinion, of course, danger of—whether inciting people by having a contentious introduction into the new administration, or how do you see the balance necessary to achieve the goal but without giving excuses? As you know, right after the election, there were rumors, well, maybe since everyone acknowledged that the election was flawed, perhaps the military should come in and correct it, you know, that sort of thing. So I would appreciate the comments of each of you.

Mr. SOYINKA. Mr. Chairman, nobody wants the military back, but let me agree with you in a certain respect. There are a number of Nigerians who believe they have reached the end of their tether and who have actually mumbled loudly, Well, the military might just as well come back. I do not believe that they seriously wish it. I think it is a question of, having seen so much violence, let us take a look at this election.

The official figure is 57 people died. The real figure is definitely over 100. People were chased out of their homes. We have here in the audience former representatives who were rigged out of their offices violently. Some had to take refuge in different states. I am trying to imagine the same thing happening here. So some Nigerians reached the state where they said, Well, if democracy means violence, why do we not simply let those who are professionals of violence handle it? At least, the violence would be more controlled. It would be orderly violence rather than this one-sided, sporadic violence.

Yes, it is true that that kind of mood has been creeping over the country. I am more afraid, or more concerned, as a matter of fact, with uncoordinated violence; in other words, that the areas of discontent may grow all of the time, and they just suddenly explode, that these small, small fires may leap across and join one another so that we have a complete conflagration. Naturally, it bothers me a lot more.

I think that is why some of us still continue to speak out and to speak, wherever possible, even to those in power because the alternative, given the poverty level and the frustration at even the democratic process and the violence which is wreaked by state power on defenseless civilians, there will come a point, I am afraid, and we are fast approaching that, when the civil population will say, "Enough of rhetoric. Let us move." I am more concerned about that.

Mr. CRANER. I would say that the present system, which is broken, actually has to be fixed to avoid the return of the military. It is certainly the case that that is something always to think and worry about, given Nigeria's history. But I found the Nigerian people very tired of having to put up with poor elections, very tired. I think it was Ms. Watson who noted that we may never know who

really won, and the Nigerian people will never know who really won. To go through this charade of elections, for the Nigerian people then not to know if their votes counted or not, I found a great resentment growing after three bad elections.

I would venture to say that a number of Nigerians told me the 2011 elections, if they are like these, would not be peaceful, and then certainly you would have to worry about the military coming back. I think there is a great deal of room to work to improve the system in Nigeria without having to get to the point where the military would come in. In fact, as I said, I think, if we do not try to fix it, that could be the end of the story.

Mr. WOLLACK. I would say, Mr. Chairman, that, after three successive elections that were seriously flawed, the last being the worst of the three, there are probably greater risks today in silence and inaction. I think we have to do both. I think the international community has to stand up against the military's intrusion into politics, and we also have to stand up for fundamental human and political rights of the citizens of Nigeria. I think that these are not mutually exclusive.

I think all of us understand the complexities of Nigeria, but we also understand the importance of Nigeria for the entire continent, and what happens in Nigeria, for good or for bad, has a tremendous impact on the continent. So it is not only important for the people of Nigeria, but it is important for the people of Africa as well.

Mr. SOYINKA. May I just add something in connection with the statement, "We will never know who actually won."? I am afraid we do know who won, in many, many instances.

I was going to narrate the very detailed study of Edo State, for instance, which I studied very closely, to bring as an example. With all of the testimonies of the international monitoring bodies, it is not necessary. But I can give you the figures, for instance, of Edo State, where Oshiomole, the loser, won 598,000 votes, and Osumbor, the winner, won 117,000 votes. Now, how do we know these figures?

As you know, as votes are collated in the various stations, they are sent to the central collating office, and so these numbers are totaled up as they come along by the various party agents. They get the figures at the same time.

Now, the returning officer in Benin refused to announce the figures until close to about 48 hours later, results which had come already and should have been available to everybody, and he kept taking his orders from Abuja, the headquarters. He postponed the announcement of results again and again, postponed them, first, summoned the press, announced it would be at 8 a.m. on Sunday, then postponed it again by an announcement at 10 a.m., and then from 10 a.m. to 2 p.m.—there are no riverine areas in Edo, results are not even coming by paddle boats, paddle canoes—and from 2 p.m. to 6 p.m., he stepped out to announce yet another postponement, and then postponed it until the following day and said, "The results are not yet ready."

The results were ready. They had been ready for over 24 hours, and then, finally, came out and announced the victory of Osumbor, one of the greatest proponents of the third-term agenda of Presi-

dent Obasanjo, he announced him the winner. That is only one instance.

I could give you more details, but it is not necessary. It is just too ludicrous to even speak of that exercise in Nigeria as an election. That is why I think that the international monitors, the domestic monitors who were present on the spot; let their testimonies be taken because they are accurate.

Mr. PAYNE. Thank you. The Assistant Secretary—do you subscribe to the fact that we will let them work it out, and we will just hope for the best. What are your opinions about what our stance should be?

Mr. CRANER. I think in a country where the mechanisms exist for people to work it out themselves, that should be the policy, that there should be less U.S. pressure. I am not confident that those mechanisms exist as completely as they could in Nigeria. As I outlined in my testimony, they are certainly better than a lot of other countries that we see. But I found many Nigerians, just ordinary Nigerians, waiting in line or having voted coming up and asking, saying you are international observers, you have to tell the truth. And I know they were hoping for a lot more than that.

This may not be a case where USAID can be used to great leverage, but I have found, and I certainly think it is the case in Nigeria, that most leaders crave legitimacy. They crave a meeting with the President, a meeting with the Secretary of State, having the President or Secretary of State come to their capital, or coming to the White House. There is a long list of these things, and I certainly think that is the case in Nigeria.

And so I would question how much legitimacy and contact and how high-level the contacts should be, not only with the new President until there is some demonstration of his trying to change what has happened but also with Mr. Obasanjo, who as President I think was responsible for the events leading up to this election. And he is certainly a person who came in—you and I were both there in 1999—with great legitimacy and has left with I think rather less.

Mr. WOLLACK. I think that this issue has to be on the top of the bilateral agenda between the two countries on an ongoing basis so the voice is consistent and the voice is ongoing on these issues to help support the notion of an inclusive dialogue and ultimately deep electoral reforms.

Also, we can work cooperatively with other intergovernmental bodies in this effort, with the African Union, with the Commonwealth and with ECOWAS, all of which have an important role to play as well. And working together with these bodies can help amplify our message.

And finally, we still have an obligation to continue to support local organizations, civic groups, that engage so constructively in this process to educate Nigerians, to monitor the elections. Our continued support, resources for these organizations to continue to engage constructively in the process I think will be extremely important in the coming weeks and months.

Mr. PAYNE. Thank you. I will yield to the gentlelady from California.

Ms. WATSON. Thank you so much. This information is very necessary for us to find a way forward for our relationship with Nige-

ria. My question goes to Dr. Soyinka, and I want to commend you for your overall shall I say awareness and perspective on what is going on, and I want to go to the religious violence and conflict that has driven this country apart in many ways. Can you talk about the sources of this religious violence, the instability that it brings to the country? What is at the root of it?

We are facing pretty much the same thing as we get involved and engaged in the Middle East. Every really Western civilization does not really understand it. Can you help explain why this is kind of a driving force for the instability?

Mr. SOYINKA. Nigeria kind of hoped to escape completely the virus of fundamentalist aggression which is sweeping round the world, and Nigeria has been in the heart of Africa where the various religious currents meet in pretty much substantive strength. It does not surprise me too much that the kind of harmonious cohabitation which existed between people of different faiths in Nigeria should also disintegrate as politics became even more intense.

Now religion has been deliberately manipulated also by some of the politicians. There is no question at all about that. But we must never make the mistake of thinking that the nation is divided strictly along Nigeria lines. You have the extremists who pose just as much danger to nonbelievers in their faith as even to their own co-believers in let us say the Islamic faith.

The problem everywhere, including Nigeria, is this fundamentalist aggression, political violence. And of course let us call things by their proper name, this occurs most strongly in and among the Muslims, who have ties also with other political religious movements all over the world. And so some politicians feed off this when it is convenient for them. When it is not, they are probably just as sadistic as some of us are. It becomes just a tool.

And one of the reasons why the constitutional reform is necessary is that it has got to be established beyond all doubt that Nigeria is a multireligious nation and therefore must pursue secular governance. The government has got to be stated far more strongly than it is at present. The kind of autonomy which is enjoyed by some opportunistic religious governors has got to be taken care of in the new Constitution.

The situation where I as a citizen of let us say a state in Ogun can find myself having my hand cut off for some crime which is not an offense in the state where I live is anomalous in a nation that calls itself one. You cannot have that kind of multiple criminalized activities which are perfectly legitimate elsewhere.

This is one of the things looked into by this document, this new Constitution which is brought up by PRONACO, the quality of people under the law and the freedom of people to pursue their own religions.

Ms. WATSON. My last visit where I spent any time I guess was in the late 1980's, and you were developing a Constitution. In fact I met with I guess it was the junta at that point. And I had asked about did they have civil rights in it, human rights, a bill of rights, and they said we have not gotten there yet.

Mr. SOYINKA. Yes.

Ms. WATSON. And so what I am hearing from you is that they have not really continued to develop the rights and the rule of law and adherence to it. Is that the case?

Mr. SOYINKA. When you have a head of state who acts outside the law, what do you expect the citizens to do? The sensibility of legal conduct is very strong in Nigeria and has been strong even among politicians for quite awhile. But during the last 8 years, we had a regime which actually luxuriated in the defiance of the law. It is not a word for it. The conduct of the President in situations like Oyo State, the intervention in the politics of Anambra, for instance, where what we call them godfathers can sack an entire state while the police sit down, look on and everybody knows that the hooligans, the very well-organized hooligans, the godfathers in that place, have the blessing of the President, this is what destroys faith in the law.

The provisions are there in the Constitution, even that Constitution which exists, and of course the stronger, the bill of rights, the bill of responsibilities, all this is incorporated, at least we attempted to, in the new Constitution just to strengthen what already exists, existed in other Constitutions.

But the principle of legality has been bastardized by the incumbent President. I say this with all responsibility. There are many Nigerians here and there are many observers here who confirm what I am saying, that even until he left, for instance, the President was still defying decisions by the Supreme Court.

And you saw how eventually the Court took its revenge with the tempo of sitting, for hearing cases accelerated phenomenally toward elections because finally the judiciary had had enough. They said if we do not struggle for our independence right now, when the next government comes, we are going to be trampled on all over, and that is why they began to move. But the principle of the rule of law exists in the Constitution, and Nigerians believe very much in it.

Ms. WATSON. So under this new administration, I hear a pessimistic view of the future and maybe a lack of intent on the Federal level to deal with the extremists, religious extremists. As you say, they manipulate and they use them to their own benefit.

Mr. SOYINKA. Yes, that is true. And once, for instance, Zamfara, declared itself a theocratic state within a secular entity, that was a moment when the President had a responsibility to say, "I took an oath to defend the Constitution and the law. I took an oath to defend human rights. And where the conduct of any part of the nation conflicts with the oath that I have taken, I will act on behalf of the responsibilities to which I have sworn."

Obasanjo failed to do that because it was convenient for him to utilize that situation to divide the politicians. It was an opportunistic thing. It has disastrous effects for the whole nation. Obasanjo is a personal friend, by the way. I hope you know that, but I never stop criticizing him within Nigeria, and I am telling you the harm that he has done to that nation in 8 years.

Ms. WATSON. I do not know why I was thinking it was hard to decipher whether he was a friend or not, but I will just end with this, Mr. Chairman. So that we as the United States will not be accused as interfering with a sovereign nation, and we are known

to have done that, how best to assist in addressing the, and I would say fundamental problems that you have just described? It seems like every few years we see this change. We see a coup, and then we are back to a democratic lead and it goes back.

And then I asked a question about religion. I wanted to know how much that played in, and I am trying to in my own mind see a way that we can assist those who think like you and maybe the majority, we do not know, that is why I said it was unclear, if the Nigerians really had their voices heard in this election. What do you see is the near future, and how can we assist? Is it sanctions?

Mr. SOYINKA. Well, I am very glad that you asked that question, because one of the problems that the United States faces and that some African nations which require the assistance of the United States face is the U.S. habit of unilateral and aggressive action.

If the U.S. works with the international community as a member of a team but with a very strong voice, better resources, it becomes easier for those who uphold the same principles, those who live and sometimes sacrifice their lives for the same principles, it becomes easier for them to reach out toward the United States, make requests and accept aid. It is when the United States comes out and says, listen, you do it our way, either they say it overtly or by implication, that is where the conflict comes. There are ways in which the United States can work with democratic forces everywhere, not just in Nigeria alone, in a productive way which does not imply a dictatorial relationship from one to the other. I suspect that is what you are getting at. At least I hope so, and I hope the answer which I have given sort of answers that.

Ms. WATSON. Your wisdom is well-received, and it just confirms what some of us have been thinking all along. I think there is evidence out there currently that we too need to come together as we point our fingers at other sovereign nations about democracy, the rule of law, and I think it needs to start here at home, and I thank you for confirming it. I must applaud the chair for choosing such a wise panel, because this will help us as we build a better foreign policy. Thank you very, very much, all of you.

Mr. PAYNE. Thank you. Thank you very much for that compliment. Yes. Ms. Jackson Lee?

Ms. JACKSON LEE. Thank you to Mr. Chairman, and it has been a very thoughtful time to listen to the responses to the questions. I have a simple goal, and I stated it earlier. It is for Nigeria amongst the many nations that find themselves a part of the African continent to in the 21st century not look back but look forward, and I think there is a great opportunity to do that.

Let me just begin my questioning by asking Mr. Wollack, what is the next step of your report? You have a report. What would you want this Congress to do? What would you want the appropriate authorities to do?

Mr. WOLLACK. I think the most important thing to be done right now is for the Nigerian people, the organizations, the civil society organizations that were so engaged in this process to know that they continue to enjoy international support for their efforts to pursue peacefully the electoral reforms that are needed so urgently.

Ms. JACKSON LEE. Let me just sort of give and take on these answers. In what way would they have affirmation from the inter-

national community, including the United States, that their civil society or their actions are being affirmed or supported? What is the action item?

Mr. WOLLACK. The chairman has talked about introducing legislation to keep this issue front and center. I think visits by Members of Congress and the administration could continue to put these issues on the bilateral agenda of the two countries.

I think it would be important to work as Dr. Soyinka said in a multilateral fashion as well to draw in the ECOWAS and the African Union and the Commonwealth and the EU so there could be a coordinated strategy to keep this issue alive and also to provide constructive ways to continue resources flowing on behalf of electoral reform, because, ultimately, sometimes we tend to view elections as ending on Election Day, and as we all know, that we tend to look away following Election Day during the critical adjudication and complaint process. That process is now perhaps the most important element of this post-election period.

Maintaining an international spotlight on the tribunal process, being visible on the ground, communicating with the government but also advocating strongly our views both unilaterally and through multilateral organizations will have a big impact and through legislation that will keep this issue on the front burner.

Ms. JACKSON LEE. We should not or do you believe should be there be any movement afoot from the outside community, international community, to overturn the elections?

Mr. WOLLACK. These issues have to be addressed by the Nigerians, and I think that they have to find a way through it. And what the exact remedy will be has to be up to them. There have been a number of proposals put on the table.

I stated during my testimony that I think there has to be extraordinary steps. There were promises after 1999 on constitutional electoral reform and they never took place. There were promises in 2003 about reforms and they never took place. Everybody knows what issues have to be addressed.

These are issues that have been laid on the table by domestic organizations that have been following this process closely. They have been put on the table by international organizations, both nongovernmental and intergovernmental. So the issues are very clear. The Nigerians know the issues. The question is whether they have the political will to enact the reforms that are necessary and to enact them quickly, because it should not take a long period of time to do it.

Ms. JACKSON LEE. Well, let me thank you. I think it is important that you stated on the record that this has to be an internal reform, that we can affirm, provide international support, but Nigerians have to make good on the 1999 promises of reform, and they have to buy into a new system of government.

Dr. Soyinka, let me thank you for your leadership and instruction to this congressional hearing, and I thank the Chairman for the wisdom in which he has selected this and the timeliness of this particular hearing. Let me pose these two questions. As I look at the title of this hearing, "Nigeria at a Crossroads," and I know your testimony certainly may have crafted that, but here is my sort of worldview question.

Nigeria at a crossroads, what are those crossroads, and is Nigeria prepared to make that journey? Where does the United States stand in relationship to Nigeria's journey? And I say that because you have indicated your friendship with the President, the past President.

And you know that President Obasanjo with a military background but I say positively so coming into power through a civilian process was quite an ally of the United States, was able to be, if you will, called upon by the United States, whether it was Liberia, whether it was Sudan, whether or not it was the conflicts in the lake region, whether or not it was in the Mideast.

That was what was touted, the military prowess. And that was the basis of the standing that this present administration, which I vigorously disagree with my administration, seemed to view Nigeria. The question is what was happening to the needs of the people.

And so I would appreciate it if you could opine on that question, and if you would add your thoughts about the horrific conditions in the delta that are contributed to by many of my constituents, who I am seeking to help Nigeria in these crossroads address the concerns through oil dollars of the millions of people in Nigeria who are in need.

Mr. SOYINKA. Nigerians have reached the point where they must decide whether they want to live in a democratic state with all the implications, all the responsibilities, including even the structure, the structure of staying together as a democratic state, or succumb to the rule of force, rule by force. In fact, this is the debate which has been going on internally through action in the last 4 years especially of Obasanjo's rule.

Now I am aware of the role of Obasanjo, which is not to be belittled, in intervening in other parts, taking the lead in intervention in other troubled parts of the African continent. I will just say that Sani Abacha, who was a far more terrifying military persona, also accepted the same responsibilities on behalf of Nigeria in Sierra Leone, in parts of the Congo. In other words, we cannot sort of overlook the interior criminalities of leadership simply because they fulfill a laudable role on the global level.

The failure of Obasanjo to resolve the delta, the situation in the oil-producing area, for instance, is a horrible negative mark on his regime. Why is the leader in spite of greed, in spite of the logic of releasing the leader of the MEND, Asare Dokubo, why is he being held in prison, supposedly undergoing trial? It has not helped the situation. It has merely intensified the violence in the delta region. His release is one of the conditions being made by the delta militants.

Even the decision of the judge, the magistrate, as to where he should be kept is flouted by the police, and that is by the government. And this of course makes the militants not have any faith in law, in equity in the Nigerian situation. So if anything at all, Obasanjo exacerbated the condition in the oil-producing regions unnecessarily.

Nations must learn that their first responsibility is to the people of any other national entity. Yes, they must work directly with leadership. That is logical. It is unavoidable. But I think ultimately the interests of any nation should be bound primarily with the in-

terests of the people who inhabit any nation's space with which a powerful nation like the United States is related.

And when leadership is becoming a problem to the people, the United States should never hesitate at all in diminishing at the very least, diminishing the kind of reliance which it places on leaders who do not have, who do not enjoy the backing and the confidence of their people.

Ms. JACKSON LEE. Let me thank you very much. And just as I close, I just want to say this point. Please be very clear that I agree with you that I would certainly acknowledge the leadership that was given by the past administration in military operations. We tend to do that as the United States. We tend to welcome that support, and we ignore all aspects of civil society and the needs of social improvement or social reform.

And I just wanted you to comment as to the fact how that translated, how the Nigerian people felt that the relationship between the United States and Nigeria seemed to be built totally on that and there was no other entry, no other collaboration, only words, which saw the implosion of the delta region, not even a call to the American-based energy companies, a call to action, how can you help. That would have been a step in the right direction.

And then of course some of the points that you have made about the holding of the leader. That is an issue that is of great concern, Mr. Chairman, to me, and I hope that we will be able to work even legislatively on that issue, because I think until we cure that cancer in that region, we will continue to have a disruption of the civil society and a lack of social reform. Thank you. I yield back.

Mr. PAYNE. Thank you very much. And we have Congresswoman Woolsey.

Ms. WOOLSEY. Thank you, Mr. Chairman. And I apologize for arriving just in time to ask a question, but we all know what it is like around here today.

Dr. Soyinka, you were talking about the people and how important all this is to actually the people of the country and that those who seem to get the least of the least are women and children. And the statistics on child health and maternal health in Nigeria are a bit frightening. On average, every single mother will lose one child. More than 60 percent of children are not immunized against measles. A typical woman will die before the age of 45.

So the question would be: What is happening to work toward ensuring the wealth that comes from the country's natural resources actually gets to those most in need, including women and children? And how can this be happening in such an oil-rich country? And if I have missed all your answers before this, please forgive me.

Mr. SOYINKA. I feel embarrassed by your question.

Ms. WOOLSEY. Well, I did not mean to do that.

Mr. SOYINKA. You are quite right that it should not be happening.

Ms. WOOLSEY. And what can we do? Give us some of it.

Mr. SOYINKA. Yes. What can you do? Well, two words: Good, accountable governance, because that is the heart of the problem when the leadership is corrupt. For instance, again, members of the assembly here can bear witness as to how much was spent on

the attempt to subvert the Constitution and end the President a third term.

If you invested a fraction of the amount that went into that act of political brigandage, if you just devoted that to childcare, establishing childcare systems in Nigeria, you would have gone a long way to at least solving that particular problem or at least laying the grounds. And I can cite so many instances of just waste, abysmal waste when there are crying priorities such as the ones you have mentioned, and I accept absolutely that we have no excuse.

But what can you do? Well, what you can do is work directly with a number of accredited and proven NGOs. There are childcare NGOs. And I know that there have been instances when medical personnel have actually established, come into countries like Nigeria, established their own independent clinics, staffed them, obtained donations of drugs from outside, in other words, just ignored completely the government's own putative and insufficient program. So that is one of the things which I think you can do.

Ms. WOOLSEY. Well, would the same answer of a corrupt government apply to the lack of electricity and basic services when in an oil-rich country? I mean, how can Nigeria get going if every day their electricity is interrupted?

Mr. SOYINKA. Well, how else would we be able to boast of a few millionaires? We now have generator millionaires because when electricity does not work, when it is sabotaged, then of course people must import generators, and that means making money for a few people. And so it is not by accident that there is no electric power, reliable electric power supply in Nigeria, no.

It is not by accident that the railroads remain exactly the same as it was at independence. Not another mile more of rail track has been laid since then. It provides business for haulage, never mind the carnage on the roads and so on. We come back to the issue of sound, good, responsible and caring governance.

Ms. WOOLSEY. Thank you.

Mr. SOYINKA. Thank you.

Ms. WOOLSEY. Thank you, Mr. Chairman.

Mr. PAYNE. Well, thank you. This panel has been very, very enlightening. I think that it is just the beginning of the dialogue. We sort of knew the answer to the question of the elections before your testimony, so I think that much of the conversation is probably more helpful to the future of Nigeria.

The gentlelady was not here, but 70 percent of the people in Nigeria live on \$1 a day. And as I mentioned, it is appalling. There is no excuse. There is a lack of encouragement of the agricultural sector. Nigeria could have tremendous agricultural production. However, they import food. It makes no sense.

It could have two, maybe even three crops a year where here in the United States you can only get one. But the climate could at least get two crops a year and perhaps even three in some parts of the country, but it is not exploited for agricultural and farming in general.

And so we do have a lot of encouragement to do. And also the Constitution, when it was written, simply does not deal with religion, and so sharia was declared by a state. And nowhere in the Constitution did it say you could, but they did not say you could

not either, and therefore, people did it in another state and then another state.

So it now becomes an issue, are you going to vote against sharia as an official governance? And therefore, now it becomes a problem because if it was simply done when the Constitution was written, then you would not have the conflict that you are going to have when you attempt to say that it should be a secular government. We should not have states run by any kind of religious group. So we unfortunately will have a lot of work to do, but we are definitely willing to work along with the new administration. We know that Nigeria can do better, must do better.

I would like to recognize a distinguished Nigerian official, Senator Ken Nnamani, who was here today in the audience. Good to see you. A former Senator and former president of the Senate. And we also had Ambassador Howard Jeter, who was a former U.S. Ambassador to Nigeria. He was here a minute ago. And to my left, Ambassador Robin R. Sanders, whose most recent post was in Congo-Brazzaville. It is good to see you here, too.

I ask for unanimous consent that the following submissions for the record be a part of the hearing record: A statement from the U.S. Commission on International Religious Freedom, a statement from the Elie Wiesel Foundation for Humanity, a statement submitted by the Embassy of the Federal Republic of Nigeria, including the inaugural speech of the President and other documents, and a submission prepared by a constituency of the First District of Ohio. Hearing no objection, it is so ordered.

Once again, let me thank each and every one of you. This has been very informative. And at this time, the meeting stands adjourned.

[Whereupon, at 1:10 p.m., the subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

NIGERIA

The response of the government of Nigeria to persistent religious freedom concerns in that country continues to be inadequate. These concerns include an ongoing series of violent communal conflicts along religious lines; the expansion of sharia (Islamic law) into the criminal codes of several northern Nigerian states; and discrimination against minority communities of Christians and Muslims. In addition, there are reports of foreign sources of funding and support for Islamic extremist activities in northern Nigeria, activities that threaten to fracture the already fragile relations between the two main religious groups. However, during the past two years, Nigerian security forces have responded more quickly to quell sectarian violence and have taken steps to address the activities of Islamic extremist groups. Because of persistent concerns, the Commission continues to place Nigeria on its Watch List.

Over the last year, Nigeria continued to experience incidents of violent communal conflict along religious and ethnic lines, which are often intertwined. The popular movement in 12 northern Nigerian states to expand the legal application of sharia to criminal matters continues to spark communal violence and is an ongoing source of volatility and tension between Muslims and Christians at both the national and local levels. Serious outbreaks of Muslim-Christian violence in the last few years threaten to divide further the populace along religious lines and to undermine the democratic transition and the foundations of freedom of thought, conscience, and religion or belief in Nigeria. Social, economic, and political conditions have not improved in the country, fostering a climate of even greater tension among ethnic and religious communities.

Since President Olusegun Obasanjo came to power through popular elections in 1999, more than 10,000 Nigerians have been killed in sectarian and communal attacks and reprisals between Muslims and Christians. The most serious of these clashes occurred in Kaduna state (February and May 2000 and November 2002); Jos, Plateau state (September 2001); Kano state and Yelwa, Plateau state (February–May 2004); and more recently, in northern and southeastern Nigeria, in the wake of the controversy over depictions of the Prophet Muhammad in the Danish press (February 2006).

Ethnic and religious violence continued throughout the past year, although the number of deaths resulting from the violence decreased compared to previous years. Dozens of people were killed and dozens of churches and mosques destroyed in communal violence in several towns and villages in southeastern Nigeria, the Middle Belt region, and northern Nigeria. In February 2006, approximately 50,000 people were displaced and at least 150 Muslims and Christians were killed in four days of sectarian violence across Nigeria, particularly in the cities of Onitsha, Maiduguri, Katsina, and Bauchi, after protests over caricatures of the Prophet Muhammad fueled underlying religious and ethnic tensions. Independent reports indicate that both Muslim and Christian groups initiated attacks on each other and reprisal attacks followed. Unlike in the past, the Nigerian government eventually raised the security alert level and directed law enforcement agents to deal decisively with eruptions of violence in any part of the country. At least 400 people have since been arrested. In March 2006, the Nigerian Information Minister stated publicly that there are continuing efforts by some individuals, groups, and organizations to instigate “further violence and mayhem” in many northern and southern states and that those “already arrested for their roles in the violence will be fully prosecuted.” Widespread destruction of property took place, with numerous churches, mosques, and homes burned down.

Also in February 2006, students at a secondary school in the northern Nigerian state of Bauchi reportedly threatened a Christian teacher for handling the Koran improperly. In a subsequent demonstration that turned violent, two churches were burned and approximately 20 Christians were killed. The teacher reportedly came in contact with a copy of the Koran after taking it from a student who was reading it while class was in session. According to the State Department, although 25 arrests were made, the case was being handled as a state security matter with little information publicly available. In April 2006 in Plateau state, at least 25 people, both Christian and Muslim, were killed and hundreds fled their homes during sectarian clashes over land ownership between the Pan and Goma people. In September 2006, a mob of Muslim youths injured six Christians and burned nearly a dozen churches in the predominantly Muslim town of Dutse, capital of Jigawa state in northern Nigeria. The attacks were sparked by allegations that a Christian woman had blasphemed the Prophet Muhammad. Demanding that she be stoned, angry Muslims incited a riot, destroying churches, 20 Christian homes, and 40 shops, leaving more than 1,000 Christians displaced. According to news reports, 25 persons were arrested in that incident. As of this writing, none of those arrested have been prosecuted.

Despite the ongoing nature of sectarian violence, the number of those killed decreased in the past year due to a more rapid and effective response by security authorities. However, prosecution of those involved with instigating sectarian violence remains inadequate, and President Obasanjo has been criticized both inside and outside Nigeria for not responding more decisively to the violence and the communal tensions brought about by the sharia controversy. He has primarily played a mediating role, stressing political negotiations rather than ordering the government to intervene to stop or prevent further violence. Moreover, many Christians and Muslims have been identified as perpetrators of violence over the years, but very few, if any, have been prosecuted or brought to justice. In fact, security and police forces have sometimes been accused of using excessive force, including extrajudicial killings, to curb communal violence. In an unprecedented admission, in August 2005, President Obasanjo stated publicly that the Nigerian police force had been guilty of torture and extrajudicial killings in numerous instances, and vowed to enforce adherence by police to universal human rights standards. After her visit to Nigeria in February–March 2005, the UN Special Rapporteur on Freedom of Religion or Belief stated that the Nigerian government should ensure that investigations of communal and sectarian violence are thorough, including through the identification and prosecution of the alleged perpetrators. In addition, the Nigerian government “should take very firm positions whenever religion is at the origin of human rights violations, regardless of which religious community is concerned.” In October 2006, the Sultan of Sokoto, Muhammadu Maccido, widely regarded as the spiritual leader of Nigerian Muslims, died in an airplane accident. In recent years, Maccido frequently spoke out in an effort to end sectarian and communal violence between Muslims and Christians in Nigeria.

Since October 1999, 12 northern Nigerian states have extended or announced plans to expand the application of sharia in the state’s criminal law; however, there have not been further enactments in the past year. Although the particulars vary from state to state, each has adopted, or reportedly plans to adopt, a sharia-based penal code and provisions to extend the jurisdiction of sharia courts beyond personal status matters to include sharia crimes and punishments for Muslims only. Punishments include amputation, flogging, or death by stoning, oftentimes after trials that fall short of basic international legal standards. Defendants have limited rights of appeal and sometimes have no opportunity to seek legal representation. Women have faced particular discrimination under these codes, especially in adultery cases where pregnancy alone has been used as adequate evidence of guilt, and allegations of rape and sexual violence are rarely investigated by judges. In addition to criminal code changes that purportedly apply only to Muslims, some states have instituted or tolerated discriminatory practices such as banning the sale and consumption of alcohol and disadvantaging women in education, health care, and public transportation. These practices affect Muslims and non-Muslims alike. For example, in July 2005, the state government in Kano banned women from riding in the same buses as men and from riding behind men on motorcycles. Moreover, a few northern Nigerian states—Kano, Zamfara, and Katsina—have sanctioned quasi-official *Hisbah* (religious police) to enforce sharia violations and other discriminatory practices.

There have been several cases in which sharia courts have handed down sentences of death by stoning to Muslims for various offenses. In 2003, several such cases were overturned and thrown out on appeal; stoning sentences remain in several other cases pending appeal. No stoning punishments have been carried out as of the time of this report. Nevertheless, sentences involving amputation and flogging

have been carried out in recent years, although no such sentences were carried out during the past year, and several cases of this kind have been reversed on appeal, are in the process of appeal, or are awaiting sentencing. There are pending amputation and/or stoning sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara states. Many of these cases have been delayed continuously for various reasons.

Sharia punishments such as death by stoning and amputation have been topics of a national debate in recent years on whether these punishments constitute torture or inhumane or degrading treatment under the Nigerian Constitution. The UN Committee Against Torture, as well as the UN Special Rapporteur on Torture, have stated that flogging, stoning, and amputation do breach the prohibition against inhuman or degrading treatment under international human rights standards and treaties. On this issue, the UN Special Rapporteur stated that the Nigerian government should ensure that practices and codes of all states are in compliance with international human rights conventions and it should conduct an "assessment of all the laws in force and analyze their compatibility with international human rights law."

In addition to the sharia controversy and the violence it incites, Nigeria is plagued by a number of other serious problems regarding freedom of religion or belief. Christians in the northern states complain of what they view as discrimination at the hands of Muslim-controlled governments and describe their communities as having the status of "second-class citizens." Most complaints predate the recent initiatives regarding sharia, and include allegations of official discrimination in the denial of applications to build or repair places of worship, access to education and state-run media, representation in government bodies, and government employment. Muslim communities in southeastern Nigeria, where Muslims are a small fraction of the population, echo some of the complaints of minority Christian communities in northern Nigeria. Southern Muslim leaders report official or officially sanctioned discrimination in the media, education, and representation in government institutions. Although proselytizing is permitted by the Constitution, several northern states continue to ban some public religious activities to address public safety and security concerns.

Since 2003, there have been an increasing number of small, vocal Muslim groups in northern Nigeria that advocate strict application of sharia, and which, some argue, are helping create a haven for radical Islamic militants from outside Nigeria. Though not organized as a nationwide movement, some of these groups advocate a more forcible Islamization of all Nigerian society, regardless of religious affiliation. Over the past two years, Nigerian security forces have dealt more decisively with Islamic extremist groups, resulting in a decrease in the number of incidents related to these groups' activities, a positive development. However, in April 2007, 12 Nigerian police officers were killed after Islamist extremists attacked a police station in Kano. Nigerian security forces responded by killing at least 25 of the self-styled "Taliban" militants, who Nigerian authorities said came into Nigeria from neighboring Chad.

Several observers inside and outside Nigeria have reported that financial support from Libya, Saudi Arabia, and Sudan has been used to build mosques and Islamic religious schools in northern Nigeria. Some have suggested that the extreme interpretation of Islam being preached in these mosques and religious schools is not a form of Islam that is traditional to Nigeria. Also, there are reports that an increasing number of Nigerian Islamic scholars and clerics are being trained in Saudi Arabia and return with a politico-religious ideology that explicitly promotes hatred of, and violence against, non-Muslims.

The Commission has traveled twice to Nigeria, most recently in August 2003. In August 2004, the Commission issued a Policy Focus on Nigeria, which included recommendations for the U.S. government in relation to communal and sectarian violence, the expansion of sharia law in the north, discrimination against religious minorities, and increasing Islamic extremist activity. In addition, throughout the past year, Commission staff met with members of non-governmental organizations representing various religious communities in Nigeria, as well as human rights organizations, academics, and other Nigeria experts.

With regard to Nigeria, the Commission recommends that the U.S. government should:

- urge the Nigerian government to address the sharia controversy, oppose religious extremism, and hold accountable perpetrators of religious violence by:
 - ensuring that sharia codes, as applied, provide the principle of equality under the law between men and women and between Muslims and non-Muslims, and do not result in violations of international human rights standards with regard to freedom of religion or belief, due process of

- law, equal treatment before the law, freedom of expression, and discriminatory practices against women;
- ensuring that sharia criminal codes do not apply to non-Muslims or to individual Muslims who do not wish to go before sharia courts, and preventing law enforcement activities in northern states by any quasi-official or private corps of sharia enforcers;
- taking effective steps to prevent and contain acts of sectarian and communal violence, prevent reprisal attacks, and bring those responsible for such violence to justice;
- ceasing immediately any official support for the so-called “religious police,” or Hisbah, and ensuring that state governments make greater efforts to halt the activities of these vigilante groups, including prosecuting those found to have taken the law into their own hands;
- expand U.S. presence and outreach efforts, primarily in northern Nigeria, by:
 - opening a consulate or other official presence in Kano, or elsewhere in the north;
 - providing adequate Embassy and Consulate staff with appropriate local language skills, and require political and public affairs officers to regularly travel throughout Nigeria;
 - increasing the capacity of the Hausa Service of the Voice of America to report fair and balanced views on communal conflict and human rights; and
 - sponsor several exchange programs each year on the topics of freedom of religion or belief, religious tolerance, and Islamic law and human rights, targeting religious leaders, human rights advocates, government officials, and northern Nigerians;
- expand U.S. support for communal conflict prevention and mitigation, through U.S. foreign assistance programs or otherwise, by identifying and supporting:
 - Nigerian non-governmental organizations working on communal conflict prevention and mitigation, emphasizing capacity-building at the local level;
 - human rights defenders, including legal aid groups that defend the constitutional and internationally recognized rights of individuals, especially women, impacted by sharia-based criminal codes;
 - human rights defenders responding to credible allegations of religious discrimination in any part of Nigeria;
 - funds for the expansion of training for the Nigerian federal police in human rights protection;
 - programs and institutions, particularly where communal violence has occurred, that promote objective, unbiased, and non-inflammatory reporting, consistent with the right to freedom of expression; and
 - the expansion of Nigeria’s Inter-Religious Council, formed to promote dialogue between Christians and Muslims, and replicate the Council at the state and local levels; and
- continue to support and adequately fund the Trans-Sahara Counterterrorism Initiative, a regional U.S. security partnership, succeeding the previous Pan-Sahel Initiative and comprised of African and Maghreb countries, including Nigeria, which helps to identify, publicize, and counter foreign sources of terrorism and religious extremism.

NIGERIA’S FRESH START

*By Michael A. Brown**

Last Tuesday’s inauguration of Nigerian President Umaru Yar’Adua to succeed outgoing President Olusegun Obasanjo marked an historic fresh start in Nigerian politics: the first peaceful transfer of power from one civilian administration to another. The United States should welcome the new Yar’Adua administration with thicker trade, investment, and counter-terrorism ties.

I recently visited Nigeria twice and sensed palpable optimism among the people about turning a new page in Nigeria’s oft-troubled history. My personal interest is longstanding since my visits as a youth with my father, the late Ronald H. Brown, former Secretary of Commerce under President William Jefferson Clinton.

President George W. Bush should not stand aloof simply because the balloting in Nigeria’s presidential election witnessed shortcomings not wholly unlike the Florida debacle in 2000. China would exploit any indifference or rejection. The Nigerian

President's landslide margin of victory over his rivals Major General Muhammadu Buhari and Vice President Atiku Abubakar demonstrated that his election reflected the will of the people, which is the standard of democratic legitimacy.

The United States should support President Yar'Adua because he promises to bring Nigeria to a new level of unity, the rule of law, democracy, and a diffusion of economic prosperity.

Nigeria has been historically fractured between north, southwest, and southeast; between Hausa-Fulani, Yoruba, and Igbo; between Muslims and Christians; and, between an array of dialects and customs. The Biafra Civil War (1967–1970) wrenched Nigeria along ethnic and regional lines. Its aftermath begot a delicate sharing of national power between the Hausa-Fulani of the north and the Yoruba of the southwest. President Yar' Adua—a Muslim who served impeccably as Governor of Katsina in the north—is unique in Nigeria because he transcends historic divisions. The new President is equally if not more embraced by the southwest and southeast as he is in his native region. He is as popular among Christians as he is among Muslims.

Nigeria's population exceeds 140 million, which dwarfs the corresponding figures for its West African neighbors. If Nigeria succumbs to internal strife, its admirable peacekeeping operations would be crippled. Over the past decade, Nigeria has provided the bulk of troops for the United Nations peacekeeping mission in Sierra Leone, for the United Nations Mission in Liberia, and for the African Union Mission in Sudan. Moreover, Nigeria's economy predominates within the Economic Community of West African States (ECOWAS).

The United States must pay close attention to Nigeria for its own national security interests. If the Nigerian economy became afflicted with a cold because of the chilling effects on investment occasioned by political instability, peace and prosperity in the fragile ECOWAS region would be jeopardized, and become a promising target for Al Qaeda penetration or recruitment. Nigeria's vast oil and gas resources would also be targeted. Proven reserves are estimated at 25 billion barrels; natural gas reserves exceed 100 million cubic feet. Crude oil production averages 2.2 million barrels per day. Nigeria, as the fifth largest exporter to the United States, supplies it with approximately 11% of its aggregate oil imports.

President Yar' Adua's unifying signature plank has been the rule of law, which in Nigeria's past has been frequently honored more in the breach than in the observance through military coups or otherwise. Yar' Adua's administration as Governor of Katsina was free from corruption or allegations of illegalities. He is a modest and contemplative man who displays none of the earmarks of cupidity or egomania. He has unreluctantly proclaimed that he will obey all judicial decrees, including outstanding cases challenging his own electoral victory. President Yar' Adua thus represents a watershed advance in Nigeria's rule of law, the lifeblood of democracy, domestic tranquility, and economic growth.

Nigeria is beset by perhaps the most unequal distribution of wealth in the world. The Niger Delta is emblematic. Despite its lucrative oil and gas resources, the indigenous population barely subsists. The infrastructure is either ramshackle or non-existent. A chronic militancy and worrisome violence has arisen. Oil and gas production has been periodically interrupted. President Yar' Adua, however, has pledged in his first hundred days to fashion a plan for catalyzing economic and social development in the Niger Delta. The plan could include contract or employment set-asides for qualified local businesses or employees and job training opportunities.

In sum, President Yar'Adua is the brightest star to emerge in Nigeria's political constellation in decades. The United States should be cheering. The Bush administration and the Democratic Congress should be exploring ways to assist Yar' Adua's success in his ambitious and enlightened agenda.

**Michael A. Brown has twice been appointed as member of United States Presidential Delegations to Africa, is a Board Member of the Constituency for Africa, and is a member of the Council on Foreign Relations.*

STATEMENT FOR THE RECORD BY THE EMBASSY OF THE FEDERAL REPUBLIC OF NIGERIA, WASHINGTON DC

The Government of the Federal Republic of Nigeria under the leadership of President Umaru Musa Yar' Adua welcomes the opportunity provided by the United States Congress to conduct a hearing on the just concluded election in Nigeria with a view to finding lasting solutions to election-related problems in the country.

The Federal Government recognizes the importance of constructive dialogue, political discourse and accords due respect to the rule of law within and among nations.

Nigeria finds it gratifying the degree of attention which the International Community is giving to the recent political developments in the country. However, we have

been a little concerned about the spate of criticisms against our electoral process, on the basis of what have been described as perceived lapses in the process.

It is understandable if the partisan politicians and political parties in Nigeria exaggerate these lapses, in continuation of electoral politics. But indulging in such issues by international or domestic observers would not only be impolite, but equally unethical and clearly beyond public expectations of neutral observers. They must recognize the readiness of some losing politicians or parties to exploit them as instruments for mischief making and instigation of national crisis.

We thank God that the problems seen in the last elections are not the usual ones that threaten the corporate existence of nations in Africa and the world, such as religious, ethnic, or regional conflicts, but only technical and logistic issues. These sort of problems, in emerging democracies like Nigeria, can be corrected, especially as we have built-in remedial measures in our electoral acts and country's Constitution.

Nigeria's Electoral Act provides aggrieved politicians and their parties lawful avenues for redress through the Election Tribunals. The new administration in Nigeria and the Independent Electoral Commission (INEC) encourage those contestants who still dispute the outcome of the elections to make their representations to such Tribunals.

Indeed, it is on record that Mr. President in his inaugural speech on May 29, 2007 acknowledged that our elections had some shortcomings and urged anyone aggrieved to pursue them through well-established legal avenues of redress. He also pledged to set up a panel to examine the entire electoral process with a view to ensuring that Nigeria raised the quality and standard of subsequent elections in order to deepen its democracy.

It is also important to note that some key members of the erstwhile opposition political parties have accepted President Yar' Adua's hand of fellowship, extended to them in the hope of building together a more united, strong, stable and prosperous Nigeria. All hands are therefore being put on deck in Nigeria to support the new administration, especially in the implementation of Mr. President's 7-point development agenda which includes sustaining a democratic culture, development of infrastructure, agriculture, public health, education, security and the resolution of the Niger Delta crisis.

Both domestic and international observers if they must, should encourage dissatisfied politicians and parties to seek remedies through the appropriate avenue within the laws of Nigeria.

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS

Thank you, Mr. Chairman, for convening this important and timely hearing. I was distressed to hear of recent electoral irregularities in Nigeria, and I look forward to further discussion of these issues. May I also thank the Ranking Member, and our four distinguished witnesses: the Honorable Jendayi Frazer, Assistant Secretary of the Bureau of African Affairs from the U.S. Department of State; Mr. Kenneth Wollack, President of the National Democratic Institute; Dr. Wole Soyinka (WOW-leh SHO-yihn-KAH), Fellow, DuBois Institute, Harvard University and recipient of the Nobel Prize in Literature; and Mr. Lorne W. Craner, President of the International Republican Institute. I look forward to your testimony.

Mr. Chairman, we stand witness to a momentous occasion in Nigeria's history. The actions and policies pursued by the government of Umaru Yar'Adua (oo-MAH-roo YAH-ah-DOO-ah), newly elected under dubious conditions in April of this year, will do much to determine the future of Nigeria's fragile democracy. I believe we must actively engage with Nigeria to ensure that the serious concerns raised by the recent elections are adequately addressed, and that Nigeria's stability is not threatened.

Though the election was marred by irregularities and charges of fraud, I believe we must commend Nigeria for achieving the first ever transition between two civilian leaders after sixteen years of military rule. However, I strongly urge the new government to immediately investigate the charges of vote rigging, ballot box stuffing, and other forms of fraud which, if substantiated, would make a mockery of democratic processes.

Mr. Chairman, I have long been an advocate of the immense potential of Nigeria, and of greater cooperation between our two countries. I have worked tirelessly to secure debt relief for Nigeria, which I firmly believe to be economically and strategically beneficial to the United States and other democratic nations. The most populous nation in Africa, Nigeria boasts major oil reserves and a strong oil and gas sec-

tor. As the 5th largest supplier of oil to the U.S., Nigeria has the potential to greatly reduce our dependence on Middle East oil, with many experts predicting that in ten years Nigeria could provide America with 25% of its oil demand. I am also very proud to have a large and vibrant Nigerian immigrant community in my home district in Houston,

Because of my long-standing interest and history of work with Nigeria, I am extremely concerned about the crisis of legitimacy caused by Nigeria's April elections, which spawned widespread allegations of electoral mismanagement and fraud. Nigeria faced daunting logistical challenges in the course of organizing this election. The initial exclusion of Vice-President Atiku Abubakar (ah-TEE-koo ah-boo-bah-KAHR) from the presidential race by the electoral commission, overturned by a last minute ruling by Nigeria's Supreme Court, substantially increased pre-election tensions. This ruling also created a logistical nightmare, as, according to reports, over 60 million ballots had been printed without the Vice President's name. New ballots arrived from South Africa less than 24 hours before the vote, and had to be distributed to the nation's 120,000 polling stations.

According to reports by some human rights groups, the pre-election period was marred by the harassment of observers, opposition candidates and supporters, and journalists. The State Department has documented incidents of police disbanding opposition gatherings. Additionally, violence escalated between the parties in several locations, with three gubernatorial candidates being executed in 2006. During the election itself, observers reported irregularities including polling stations keeping irregular hours, ballot printing errors, underage voting, vote buying, ballot box stuffing, and falsified results. I firmly believe that, if the new government is to gain and maintain credibility both at home and abroad, these concerns must be immediately and thoroughly addressed.

In addition to electoral irregularities, Nigeria also faces corruption scandals. Former President Obasanjo did a great deal to stamp out rampant corruption, but he faced charges of using corruption charges to sideline critics. Those sidelined, according to these charges, include Vice President Atiku Abubakar (ah-TEE-koo ah-boo-bah-KAHR), who publicly opposed Obasanjo's bid for a third term. I believe that President Obasanjo should be commended for his brave pursuit of a Nigeria free from corruption, but I also strongly advocate the investigation of all claims of politically-motivated charges.

Mr. Chairman, Nigeria has so much to offer. As Co-Chair of the Congressional Black Caucus' Energy Taskforce and a representative from Houston, the energy capitol of the world, I am particularly aware of the value of discussion, cooperation, and economic involvement between our two nations, particularly in the energy sector. To this end, I have met with several high ranking members of the Nigerian government, including former President Obasanjo, as well as several senior members of Nigeria's National Assembly. Especially with the instability in the Middle East, which is the source of most of world's oil reserves, Nigeria, which produces 90% of oil from sub-Saharan Africa, has the potential to grow in importance in light of an evolving geopolitical energy map.

To conclude, Mr. Chairman, let me quote Wole Soyinka, the great Nigerian writer and Nobel Prize winner who we are very honored to hear from today, *"The greatest threat to freedom is the absence of criticism."* I believe criticism must be levied where criticism is due, and I strongly urge the full investigation of Nigerian electoral irregularities. Additionally, I support increased efforts to work with Nigeria on both diplomatic and economic levels, for I believe that increased engagement is our best chance to support the democratic ideals that we, as Americans, hold so dear.

Thank you Mr. Chairman, and I yield back the balance of my time.



**STATEMENT OF THE
NATIONAL DEMOCRATIC INSTITUTE (NDI)
INTERNATIONAL ELECTION OBSERVER DELEGATION
TO NIGERIA'S APRIL 21 PRESIDENTIAL AND NATIONAL
ASSEMBLY ELECTIONS**

Abuja, April 23, 2007

This statement is offered by the National Democratic Institute's (NDI) international election observer delegation to Nigeria's 2007 national elections. The delegation to the April 21 presidential and national assembly elections was led by: Madeleine Albright, Chairman of the NDI Board of Directors and former US Secretary of State; Mahamane Ousmane, Speaker of the ECOWAS parliament and former President of Niger; Amos Sawyer, former President of Liberia; Joe Clark, former Prime Minister of Canada; Jeanne Shaheen, Director of the Institute of Politics at the John F. Kennedy School of Government of Harvard University and former Governor of New Hampshire; Justice Yvonne Mokgoro of the Constitutional Court of South Africa; and Kenneth Wollack, president of NDI. The delegation visited Nigeria from April 16 to 23 to assess preparations for, and observe, the 2007 general elections. The delegation included political and civic leaders, election experts and regional specialists from 16 countries in Africa, Asia, Europe and North America, as well as a team of long-term observers who, since March 15, have visited all six of the country's geo-political zones to observe the campaign period and the April 14 state elections.

Through this delegation, NDI seeks to express the international community's interest in, and support for, a democratic electoral process in Nigeria, and to offer an accurate and impartial report on the character of the election process to date. The Institute does not seek to interfere in the electoral process and recognizes that it is the Nigerian people who will ultimately determine the credibility and legitimacy of the outcome. The delegation conducted its activities in accordance with Nigerian law and the *Declaration of Principles for International Election Observation*, which has been endorsed by 29 intergovernmental and nongovernmental organizations.

The delegation would like to stress that it does not intend to render a final judgment on the April 21 elections at this stage in the electoral process. Gubernatorial, state and national assembly elections in several states have been re-scheduled, the tabulation process has not been finalized for the presidential and national assembly elections, and the adjudication of electoral disputes has not yet begun. This statement is therefore preliminary in nature.

I. SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS

In many places, and in a number of ways, the electoral process failed the Nigerian people. The cumulative effect of the serious problems the delegation witnessed substantially compromised the integrity of the electoral process. As a result, at this stage, it is unclear whether the April 21 elections reflect the will of the Nigerian people.

A major problem that marred this stage of the electoral process was that polling stations in many states opened hours late, closed early or failed to open at all. This represented a fundamental barrier to popular political participation and most likely

disenfranchised many prospective voters. In all of the elections that NDI has observed in every region of the world, such a delay in the delivery of essential electoral material and in the opening of polling sites is unprecedented. The delegation also observed the additional electoral malpractices listed below. Similar electoral violations were cited by NDI's observer delegation to the 2003 national elections. Moreover, the pre-election period was characterized by the inability or refusal of the election authorities to release basic information about the electoral process to the contestants and the electorate.

Regrettably, the 2007 polls represent a step backward in the conduct of elections in Nigeria. At the same time, there are positive trends in the country's democratization process that give rise to hope. These include: an independent judiciary that responded in a timely way to the deadlines imposed by the electoral calendar; a legislature that has exercised its oversight and representative functions more effectively; a civil society that has mobilized in large numbers to monitor the electoral process and to educate voters; and a more vibrant media that has created channels for the expression of diverse views and the dissemination of information.

The delegation was impressed by the determination of thousands of Nigerian voters who waited patiently to exercise their fundamental political and civic rights, and the commitment of many pollworkers to conduct themselves and administer the polls in a professional manner under difficult circumstances. At the same time, delegates were disheartened by the relatively low voter turnout, which both voters and polling officials attributed to problems, including violence, experienced during and after the April 14 state elections.

The serious flaws witnessed during this electoral process threaten to further erode citizen confidence in the country's democratic institutions. Therefore, the delegation recommends, among other things, that between now and the end of the current government's mandate on May 29, peaceful and constitutional means should be pursued with all sense of urgency to resolve election-related disputes. The delegation believes that the expeditious adjudication and resolution of legal complaints arising from the polls is a vital component of this process.

II. THE ELECTORAL CONTEXT

Nigeria's 1998 and 1999 transition elections are best seen in the context of the broader impetus to end military rule. Nigerian and international observers viewed those elections as the beginning of a process of democratization and the rebuilding of a political infrastructure that would sustain and broaden the efficacy of civilian rule. Consequently, the flaws of a rushed electoral process were largely overlooked.

Expectations for the electoral process were higher for the 2003 polls, both within and outside Nigeria. The 2003 elections were seen as an opportunity to further advance democratic gains. While those elections were successful in some respects, there were also serious problems that compromised the integrity of the process. Those elections tested the viability of many of Nigeria's weak public institutions, most notably the Independent National Electoral Commission (INEC). NDI's delegation to the 2003 general elections noted extended delays and lack of transparency in the voter registration process that disenfranchised eligible voters; high levels of political violence; widespread lack of secrecy in balloting; vandalized, stolen and stuffed ballot boxes; and altered results during the multi-tiered tabulation, or "collation" process.

In the lead-up to the 2007 elections, a number of contentious issues have dominated the political discourse. The early pre-election period was overshadowed by a debate on proposed constitutional amendments, which included a provision to enable the incumbent president and governors to run for a third term in office. It was only after the National Assembly voted down the constitutional amendments that the Electoral Act was passed in June 2006. Party primaries were often contentious and many Nigerians believe that the lack of transparency in the selection of candidates impacted negatively on prospects for an inclusive and violence-free electoral process.

Even after this, INEC's public announcement of the electoral timetable in August 2006 was so delayed that many Nigerians began to question whether the Commission could register the estimated 65 million citizens eligible to participate in the 2007 polls. The electoral calendar stipulated that voter registration would begin on October 7, with elections for governors and state legislatures scheduled for April 14, and the presidential and national legislative elections for April 21, 2007.

Although voter registration started late, by early February INEC announced that 61 million Nigerians had registered to vote. However, the Commission did not make public the complete voter register or, in light of the technical problems that characterized the exercise, explain the process by which the 61 million voters had been listed. Nigerian citizens, civic organizations and political parties had a right to expect to see the voter rolls in order to verify the accuracy of the register, and to contact and mobilize eligible voters for the polls. While the lists were made available briefly at the precinct level immediately after the close of registration in early February, there was limited information about the release, thereby preventing a review by citizens, civic groups and political parties. Delays and/or lack of transparency surfaced again in other aspects of the process, such as the announcement of voting procedures; the location of polling stations; the training of pollworkers; and the accreditation of domestic observers.

During this period, INEC disqualified a number of candidates, including the vice president, on the grounds of indictment by a federal government administrative panel. INEC proceeded with its preparations while this decision was still being challenged in court. Five days prior to the election, the Supreme Court restored the vice president on the ballot.

III. OBSERVATIONS

The delegation visited polling sites in 14 states drawn from all six geo-political zones. Delegation members were also briefed by NDI's long-term observers, who had been present in all of these states during the previous five weeks. In other states not visited by the delegation, credible information was gathered from other observer groups, both domestic and international. This information reinforced the observations of the NDI delegates.

On a positive note, on April 21 the delegation observed a relatively smooth electoral process in some parts of the Federal Capital Territory, Niger, Plateau and Lagos states. In these places, polling stations opened on time, with sufficient materials and adequate numbers of polling officials and security agents. Domestic observers were present while polling officials and party agents generally performed professionally and cooperated to produce a credible voting process on election day.

However, in the preponderance of places the delegates visited, such as Abia, Adamawa, Anambra, Bauchi, Benue, Cross River, Enugu, Kaduna, Katsina, Ogun and Oyo states, a different picture emerged. Serious irregularities included:

- Delay in the distribution of balloting materials, which prevented polls from opening until late in the afternoon or not at all.
- Inadequate supply of voting materials, particularly ballots for both the presidential and legislative elections, and the “opening” and “results” sheets.
- In the case of legislative elections, ballot papers did not include all of the candidates. Because of these omissions, a significant number of races were suspended on election day and will have to be re-scheduled.
- Inadequate locations and facilities for voting and collation.
- Lack of secrecy of voting.
- A non-transparent and multi-tiered collation process, which made it vulnerable to manipulation.
- Disenfranchisement due to errors in the voter register.
- Inconsistent application of verification procedures for identifying voters.
- Failure to display the voter register.
- Allocations of voters per polling station that were greatly in excess of the standard 500 voters per polling station announced by the Commission.
- Underage voting.

While pre-election violence decreased prior to the April 21 polls, the delegation was deeply concerned by the use of youth for “protection” by political parties before and on election day. There were also incidents of improper conduct by security agents, stuffing and snatching of ballot boxes, intimidation by party agents and vote buying. In all places, ballot security was severely compromised as a result of the presidential ballot lacking serial numbers. This makes the system susceptible to abuse and will make it impossible to verify the accuracy of the results.

We are impressed by the deep commitment to peaceful civilian rule and the strong determination of the Nigerians with whom we met that problems should be resolved by legal and political means.

IV. RECOMMENDATIONS

During this critical time for Nigeria, in which major questions about the country’s evolving political and electoral system have been raised by those with whom the delegation met, concerted measures must be taken by the current government within the next five weeks in order to restore credibility and confidence in the electoral process. In recognition of these efforts, and in the spirit of international cooperation, the delegation respectfully offers the following recommendations:

- INEC should release results by polling site, and post these figures publicly as stipulated by the Electoral Act. This will enable citizens to independently verify the accuracy of the announced results. The delegation views the inability to track election results from the polling station to the national level as a major weakness of the electoral process.
- The election tribunals, contesting parties and INEC should cooperate to ensure the speedy judicial resolution of complaints, paying careful attention to their responsibility

to give voice to Nigerian voters, and to address issues which adversely affected voters on election day. In particular, the delegation calls on INEC to make available all the information and materials needed for the resolution of electoral disputes.

- All offences and crimes committed within the electoral context must be prosecuted expeditiously. This would reduce the impunity which has marred Nigeria's electoral process to date, and which threatens to undermine citizen confidence in the country's political institutions.
- All aggrieved parties should continue to respect the rule of law and exercise their constitutional rights peacefully. We commend the efforts of those Nigerians who through this entire process, have sought redress through constitutional means and demonstrated respect for the rule of law.
- The Commission should ensure that the technical failings identified above are corrected before the rescheduled elections are held.

The serious flaws witnessed during this electoral cycle threaten to further erode citizens' confidence in their country's nascent democratic institutions. Therefore, extraordinary steps must be taken by all concerned to address these issues in the immediate future. Resolution of these problems would contribute to the legitimacy of the incoming government, build trust in the country's institutions and demonstrate Nigeria's continued leadership on the continent. This delegation has faith in the resolve of the Nigerian people to rise to this challenge. Additional recommendations addressing direct citizen recourse will be included in our final report.

V. THE DELEGATION AND ITS WORK

An accurate and complete assessment of any election must take into account all aspects of the process, and no election can be viewed in isolation from the political context in which it takes place. Among the factors that must be considered are: the legal framework for the elections set by the constitution, electoral and related laws; the ability of citizens to seek and receive sufficient and accurate information upon which to make political choices; the ability of political competitors to organize and reach out to citizens in order to win their support; the conduct of the mass media in providing coverage of parties, candidates and issues; the freedom that citizens and political competitors have to engage in the political and electoral process without fear of intimidation, violence or retribution for their choices; the conduct of the voter registration process and integrity of the voter registry; the voting, counting, results tabulation, transmission and announcement processes; and the handling of election complaints and installation to office of those duly elected.

NDI observation efforts for the April 2007 elections have thus far included a pre-election assessment mission in May 2006, followed by the deployment of long-term observers to monitor and report on electoral preparations, the voter registration process, the campaign period and the April 14 state elections. Through its program, the Institute has also assisted Nigerian civic organizations to field a coordinated domestic election monitoring effort during the voter registration period and on election day.

Since 1999, NDI's office in Abuja has conducted legislative strengthening programs with the National Assembly, worked with state governors, promoted women's political

participation and leadership, and supported civic organizations' issue-based voter education and mobilization efforts.

The delegation arrived in Abuja on April 16, 2007, and held a series of meetings with political and civic leaders. Delegation leaders met with the President of the Federal Republic as well as presidential candidates and political party representatives. The delegation also met with: representatives of the Independent National Election Commission (INEC), including its chairman; the Deputy Inspector-General of Police; former and current members of the National Assembly, including the Senate President and Speaker of the House; members of the Nigerian Bar Association; leaders of Nigeria's independent nonpartisan election monitoring organizations; representatives of the private sector; media executives; and religious leaders. The delegation also met with members of the diplomatic community. In accordance with the *Declaration of Principles for International Election Observation*, the delegation cooperated with international election observation missions from the European Union, the Commonwealth, the Economic Community of West African States (ECOWAS) and the International Republican Institute (IRI), as well as with Nigerian nonpartisan domestic election monitoring organizations.

On April 20, 61 delegates and staff members deployed in teams to the Federal Capital Territory (FCT) and to the following 14 states: Abia, Adamawa, Anambra, Bauchi, Benue, Cross River, Enugu, Kaduna, Katsina, Lagos, Niger, Ogun, Oyo and Plateau. The meetings conducted in Abuja were replicated at the local level by the observer teams. On election day, the teams observed the voting, counting and collation processes. Following the elections, the delegation members returned to Abuja to share their findings and prepare this statement.

The delegation is grateful for the welcome and cooperation it received from voters, election officials, candidates, political party leaders, domestic election observers, civic activists and those providing for our security. It benefited from their views and insights. NDI will continue to follow developments in the electoral process, and will issue a final report at a later date.

STATEMENT SUBMITTED BY DEBORAH BURSTION-DONBRAYE

On May 29 Umaru Yar'Adua was inaugurated as president of Nigeria, Africa's largest and one of the world's most oil-rich nations. The country may have new leadership, but it has the same old problems with international consequences: oil supply and price stability, the fight against terrorism and AIDS/HIV, and its burgeoning trade relationship with China.

I am a consultant in the United States and Nigeria, specializing in politics, cultural and health issues. My principal area of concern and interest is the Niger Delta area in southern Nigeria. I lived in Port Harcourt and Yenagoa for nearly four years in the late 1990s, during the military rule of Gen. Sani Abacha and the nation's transformation to democracy.

Despite providing 95 percent of Nigeria's \$60 billion export revenues Niger Delta citizens suffer 100 percent of the environmental and cultural effect of oil extraction. The citizens live in abject poverty, joblessness and a polluted environment that continues to deteriorate. The average family income in the Niger Delta, as in most of Nigeria is less than \$100 a month. The foreign oil companies and related corporations rarely employ indigenous citizens there or in their international offices.

This year militant groups of Niger Delta youths, mainly ethnic Ijaws, have stepped up their protests in that area. They have kidnapped nearly 100 foreign oil workers since the beginning of the year.

I went to Nigeria's Niger Delta area to play a small role in two historical events, as an international observer to the April elections and to help a friend, Rev. Neroy Carter, with a mass distribution of wheelchairs.

The April elections marked the first time Nigeria moved from one democratically elected administration to another, rather than falling back to military rule as it has done repeatedly since 1960.

April was also the first time a shipment of free wheelchairs, designed by an Ashabula, Ohio, inventor for the rough terrain of developing countries, were supposed to be dispersed in Nigeria. Nearly a quarter of a million of these wheelchairs have already been distributed worldwide since 2000, but none in Nigeria. Handicapped persons are the most vulnerable and underserved people in any developing country which continues to deal with polio, leprosy and other crippling diseases.

Neither the election nor the wheelchair distribution was totally successful, which is not unusual in Nigeria.

I visited several polling places throughout Bayelsa and Rivers State. The elections were marred with rigging, delays, widespread violence, stuffed ballot boxes and no elections in some areas. My election eve on April 20 included a quick exit from my business office in Yenagoa, Bayelsa state, when the area came under heavy gunfire and dynamite blasts between Niger Delta protestors and police.

The container with 550 wheelchairs still sits in Port Harcourt, Rivers State, immobilized by lost and fraudulent paperwork, the costly shenanigans by some Nigerian workers that are familiar situations while conducting business in Nigeria.

Unfortunately, these are typical situations in Nigeria. It is not uncommon to be scared, frustrated and angry *in* Nigeria and *with* Nigeria. It is a country that lives in poverty despite its oil wealth, and suffers from overwhelmingly corrupt leadership and fraudulent business practices despite having some of the best educated people there and abroad.

What we can't afford to be is unaware of what's going on there. Nigeria is too large and too important to abandon or ignore.

With more than 140 million citizens, Nigeria contains one-fifth the population of Sub-Saharan Africa, is the third largest supplier of crude oil to the US and is the eighth largest supplier in the world. It is also a member of OPEC, the Organization of Petroleum Exporting Countries.

The protestors who call themselves MEND, the Movement for the Emancipation of the Niger Delta, and various copycats groups, have stepped up the kidnappings and disruption of oil service at platforms and pumping stations in reaction to the election results. Hostages are not harmed, but a few have died from rescue attempts by oil company security agents and Nigerian police.

As repugnant as what the kidnappers are doing, they are succeeding in getting overdue national and international attention and they are betting that attention and public outrage will eventually lead to improvements for the lives of its citizens.

The increases the United States and the world have experienced at the gas pumps are in part linked to Nigeria's one-third cut in output because of the protestors, jitters from the world market about Nigeria's oil future and the wholesale exit of thousands of frightened foreign oil workers.

China has become an increasingly important trade partner to Nigeria and is investing heavily in oil exploration and earlier last month launched Nigeria's commu-

nications satellite. The trade volume was \$1.86 billion in 2003, a 59 percent increase, with Nigeria's export growth exceeding 300 percent and growing. China's trade with Africa is likely to jump to \$100 billion in 2020, compared to \$55 billion last year from \$6 billion in 2000.

Further indication of China's financial interest in Africa was the recent annual meeting of the African Development Bank. For only the second time since its creation in 1964, the group held its annual meeting outside of Africa. China hosted the group in Shanghai, its financial capital.

Most troubling about these figures is that China doesn't impose the human rights restrictions on its relationship as other Western countries have done.

Meanwhile China's trade and monetary practices were criticized by U.S. lawmakers last month during the Strategic Economic meetings. They blamed it for increasing U.S. trade deficits and loss of manufacturing jobs.

Nigeria is already the headquarters for The Economic Community of West African States (ECOWAS) which also serves as the major peacekeeping force in Africa and an ally of the United States.

The country is a likely contender as the location for AFRICOM, the Africa Command post the State Department will be creating in September 2008 to coordinate all U.S. government, military and security interests on the continent, except for Egypt. Oversight for Africa, which has a growing role in the anti-terrorism fight, is currently divided between three European-based regional commands. AFRICOM's transition team is currently working from Stuttgart, Germany, and will be headed by a four-star military officer.

Although AIDS/HIV is a major threat to the entire continent, the prevalence in Nigeria is lower than most countries. But that's little comfort. In actual numbers an estimated 3 million Nigerians are living with the deadly virus, placing it in third-place worldwide, behind India and South Africa. Recently the World Bank approved \$50 million in additional funding for Nigeria to fight the spread of AIDS/HIV.

Nigeria is comprised of four major ethnic groups: Hausa-Fulani, Yoruba, Ibo and Ijaw. The country is roughly divided between Christianity in the south and Islam in the north, with native African religions also playing a strong role.

Nearly all of Nigeria's military and civilian leadership came from the north, which is predominantly Muslim, ethnically Hausa-Fulani and comparatively bereft of natural resources. One-third of the country's 36 states observe Sharia, the restrictive Islamic laws, which have caused numerous clashes and deaths.

However, there are several reasons for being optimistic about Nigeria's future.

My optimism lies in Nigeria's problems being handled, not necessarily well or quickly, by rule of established law and by civilian officials rather than military takeover.

A year ago the National Assembly lawfully blocked attempts by Obasanjo supporters to amend the constitution and add a third-term presidency for him.

There have also been recent court decisions and successful attempts to investigate and oust corrupt politicians and business owners. Critics have said that these steps have been timid and only small wrong-doers or enemies of more powerful politicians are being targeted. But they are a beginning to reform that will hopefully trickle down to others areas.

Former Bayelsa Governor Diepreye Alamiyeseigha was impeached and is currently awaiting trial for money-laundering and other criminal acts. Vice President Jonathan replaced Alamiyeseigha in December 2005 and his administration has attempted to curb the violence and kidnapping by meeting with MEND.

A huge financial imbalance in goods and services to citizens still exists in Bayelsa and the other southern states; however having Vice President Jonathan, an ethnic Ijaw as vice president in Abuja, the federal capital, offers some hope to the Niger Delta. This group has never had one of its own people in such a role during civilian or military rule.

President Yar'Adua, the former governor of Katsina state is a Muslim from the North and belongs to the Hausa-Fulani ethnic group, the area and religion that most of Nigeria's rulers have represented. Former President Obasanjo, a Christian and a Yoruba, was an exception, in what was the beginning of an informal agreement to share power between regions and groups.

Like all politicians, President Yar'Adua and Vice President Jonathan have wasted no time in saying that they will be fair and even-handed throughout the ethnic and geo-political zones in the country. They've also listed the Niger Delta issue, along with economic and political reform as their top priorities.

If Nigeria has broken the jinx of consecutive terms, perhaps that is a sign that other curses can also end.

The elections were seriously flawed and many people lost their lives. But it will not be the first time, nor will Nigeria be the first country to find itself governed by officials elected imperfectly, or by less than the nation's majority. Nigeria had more than 50 political parties registered for the elections.

My greatest confidence lies in meeting a number young, activists like J. Preye Ketebu-Brown, chairman of Bayelsa State's National Youth Council of Nigeria and Executive Secretary of SACA, Bayelsa's State Action Committee on AIDS/HIV.

Ketebu-Brown wears two hats but has one goal: to make certain that Nigerian youths are taught to have a stake in their country's future and to live long enough for the payoff.

Intelligent, articulate with Denzel Washington-like good looks and charm, he has devoted his time and talents to organizing youths between 18-35 years old. Civic responsibility within a democracy is new to youths who have only known military rule interspersed with hiccupping civilian rule. He has taken it as a mission to teach them.

Last year he organized a group in Bayelsa state to collect Census information. This year he recruited more than 100 young men and women to serve as election monitors. He made certain that young Nigerians have a role in the inauguration and beyond.

In his SACA office, Ketebu-Brown also participates with teaching youths about responsible sexual behavior. About four percent of the Bayelsa's population of 2 million is infected with AIDS/HIV, below the national average of nearly 6 percent. Bayelsa government also provides numerous programs, support groups and a monthly allowance for food for those living with AIDS to supplement their income.

In the meantime Ketebu-Brown hopes to become the national head of youths and further down the road, would like to run for an elected office.

My confidence is also in people like Ashtabula, Ohio, Pastor Neroy Carter and his pastoral colleagues from Nigeria and Great Britain who are helping oversee this first shipment from Free Wheelchair Mission. The non-profit international organization is based in Los Angeles and was founded by Don Schoendorfer, an Ashtabula native who created the inexpensive but rugged wheelchair.

There were several times when Rev. Carter expressed exasperation at the paper-work problems and what appears to be the typical chicanery in business dealings. But he's not giving up on Nigeria and neither can we of the United States or the world.

Rev. Carter has helped create schools, orphanages, housing and small businesses in the U.S., Nigeria, Cameroon and India, but the level of problems in Nigeria he said are "almost demonic."

This was Rev. Carter's second time traveling to Nigeria since last autumn for the wheelchairs, and he again returned to the US without a success story. Yet he is smitten by the potential and the fact that he's dealing with the largest nation of black people in the world, saying "Where there is great opposition there is great opportunity."

In Nigeria, the opportunity is enormous. So is our responsibility.

I believe the United States Congress must continue holding public hearings on these issues. I also suggest that Congress review the relationship between U.S. corporations and their relationship with Nigeria.

Congress can only do so much; I believe that the American people, specifically those of African descent, also have a role. That responsibility includes questioning and holding accountable current office holders and those aspiring candidates to higher office about the situation in Nigeria and Africa. The service and business organizations that are mainly directed at African-Americans must also take on a more global direction and interest in the political economic interests of Africa. In addition to the humanitarian issues, the country and continent are important strategic partners to the United States



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STATEMENT

International and domestic monitors have determined that Nigeria's recent elections fell far short of acceptable standards, having failed the test of a free and fair ballot. We, the undersigned Nobel Laureates, are concerned that the new government's lack of legitimacy increases prospects for violent conflict with serious consequences for Nigeria and the region. Therefore, we recommend a conference of national unity involving government officials, civil society, religious and business leaders to discuss the current crisis and set a date within 18 months for early elections, along with electoral reform. Our recommendation is offered in all responsibility, to help consolidate Nigeria's transition to democracy after decades of military dictatorship. It is made without prejudice to potential legal recourse by aggrieved candidates. Nor does our recommendation obviate the need for a credible enquiry into the electoral process that has undermined confidence of Nigerians in constitutionalism and the rule of law.

Signatories (As of May 21, 2007)

Peter J. Agre Nobel Prize, Chemistry (2003)	Sheldon L. Glashow Nobel Prize, Physics (1979)	Erwin Neher Nobel Prize, Medicine (1991)
Kenneth J. Arrow Nobel Prize, Economics (1972)	Roy J. Glauber Nobel Prize, Physics (2005)	Marshall W. Nirenberg Nobel Prize, Medicine (1968)
Richard Axel Nobel Prize, Medicine (2004)	Clive W.J. Granger Nobel Prize, Economics (2003)	Douglas D. Osheroff Nobel Prize, Physics (1996)
Baruj Benacerraf Nobel Prize, Medicine (1980)	David J. Gross Nobel Prize, Physics (2004)	John C. Polanyi Nobel Prize, Chemistry (1986)
Thomas R. Cech Nobel Prize, Chemistry (1989)	Dudley R. Herschbach Nobel Prize, Chemistry (1986)	Stanley Prusiner Nobel Prize, Medicine (1997)
Steven Chu Nobel Prize, Physics (1987)	Avram Hershko Nobel Prize, Chemistry (2004)	Burton Richter Nobel Prize, Physics (1976)
Aaron Ciechanover Nobel Prize, Chemistry (2004)	Roald Hoffmann Nobel Prize, Chemistry (1981)	Richard J. Roberts Nobel Prize, Medicine (1993)
Claude Cohen-Tannoudji Nobel Prize, Physics (1997)	Eric R. Kandel Nobel Prize, Medicine (2000)	Jens C. Skou Nobel Prize, Chemistry (1997)
John M. Coetzee Nobel Prize, Literature (2003)	Sir Harold W. Kroto Nobel Prize, Chemistry (1996)	Wole Soyinka Nobel Prize, Literature (1986)
Robert F. Curl Jr. Nobel Prize, Chemistry (1996)	Finn E. Kydland Nobel Prize, Economics (2004)	Joseph H. Taylor, Jr. Nobel Prize, Physics (1993)
The Dalai Lama Nobel Prize, Peace (1989)	Yuan T. Lee Nobel Prize, Chemistry (1986)	Desmond Tutu Nobel Prize, Peace (1984)
Johann Deisenhofer Nobel Prize, Chemistry (1988)	Anthony J. Leggett Nobel Prize, Physics (2003)	Klaus von Klitzing Nobel Prize, Physics (1985)
Richard R. Ernst Nobel Prize, Chemistry (1991)	Jean-Marie Lehn Nobel Prize, Chemistry (1987)	Elie Wiesel Nobel Prize, Peace (1986)
John B. Fenn Nobel Prize, Chemistry (2002)	Mairead Corrigan Maguire Nobel Prize, Peace (1976)	Frank Wilczek Nobel Prize, Physics (2004)
Edmond H. Fischer Nobel Prize, Medicine (1992)	Craig C. Mello Nobel Prize, Medicine (2006)	Betty Williams Nobel Prize, Peace (1976)
Jerome I. Friedman Nobel Prize, Physics (1990)	Robert A. Mundell Nobel Prize, Economics (1999)	Kurt Wüthrich Nobel Prize, Chemistry (2002)
	Ferid Murad Nobel Prize, Medicine (1998)	

